



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

108

CWP-24187-2024

Date of decision: 02.12.2024

Atma Ram

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ravi Malhotra, Advocate
for the petitioner.

AMAN CHAUDHARY, J. (Oral)

1. Learned counsel submits that the petitioner was appointed as CT/Mochi in CRPF on 10.01.1989 on account of having successfully cleared all physical tests etc. and parameters was in AYE SHAPE-1 with his eye-sight 6/6. Thereafter, he was posted at different locations including J & K and unfortunately in the year 2005, developed chronic Papillitis in both eyes. In the reply dated 05.05.2022 to the legal notice, it has been specifically observed that his vision faded slowly while in Govt. service for which he was treated in various hospitals and is himself not held responsible for the same. He was, therefore, invalidated out of service in the year 2007, but not granted disability pension. He relies on the judgment of the Hon'ble Supreme Court in **Sukhvinder Singh vs. Union of India and others**, 2014(4) S.C.T. 163, wherein it was held that any disability not recorded at the time of recruitment must be presumed to have been caused subsequently and unless proved to the contrary to be a consequence of military service and as per the extant rules/regulations, a disability leading to invaliding out of service would attract the grant of fifty per cent disability pension. He thus, at this stage, on instructions, from the petitioner, his case may be reconsidered in a time bound



manner, keeping in view the aforesaid judgment.

2. Notice of motion.
3. At the asking of the Court, Mr. Narender Kumar Vashist, Senior Panel Counsel accepts notice on behalf of the respondents-UOI and on instructions from Mr. K.J. Pathak, Deputy Commandant, Law Officer, has no objection to having a re-look at the matter.
4. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to reconsider and decide the claim of the petitioner, taking note of the aforesaid judgment, within a period of 03 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to him and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

02.12.2024
Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No