

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 285 OF 2024

Ex. Sep. Prabhakar Ramesh Sanap	...Petitioner
Versus	
The Union Of India And Ors.	...Respondents

Mr. Vikrant Raje a/w Parimal Wagh, for the Petitioner.
Ms. Sangeeta Yadav, for the Respondent - UOI.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 1 APRIL 2025

P.C.:

1. We have heard the learned counsel for the petitioner. This petition assails the judgment and order dated 12 April 2022 passed by the Armed Forces Tribunal, Regional Bench at Mumbai.
2. The original application filed by the petitioner praying for a disability pension has been rejected by the Tribunal on the ground that the petitioner would not be entitled to disability pension considering the fact that the petitioner was enrolled in the service on 18 March 2014 and as he was suffering from Schizophrenia (F-20) which is 60% disability, according to the petitioner. The relevant observations in that regard are contained in paragraphs 6 to 8 which read thus :-

“6. On careful perusal of the documents, it has been observed that the applicant was enrolled on 18.03.2024, and the deceased applicant was found to be suffering with in medical test first started on 06.07.2015, i.e. within one year of

joining the service.

7. In the above scenario, we are of the opinion that since the disease has started in less than one year of his enrolment, hence by no stretch of imagination, it can be concluded that it has been caused by stress and strains of military service. Additionally, it is well known that mental disorders can escape detection at the time of enrolment, hence benefit of doubt cannot be given to the applicant merely on the ground that the disease could not be detected at the time of enrolment. Since there is no causal connection between the disease and military service, we are in agreement with the opinion of the RMB that the disease is NANA. In view of the foregoing and the fact that the disease manifested in less than one year of enrolment, we are in agreement with the opinion of IMB that the disease is NANA.
8. Apart from above, in similar factual background this Tribunal had dismissed the claim for disability pension in T.A. No.1462/2010 vide order dated 23.05.2011, wherein the applicant was enrolled on 21.01.2000 and was discharged on 27.04.2000, as he was suffering from Schizophrenia. Said disability was assessed @ 80% for two years and it was opined by the Medical Board to be neither attributable to nor aggravated by military service. The said order has been upheld by the Hon'ble Apex Court in Civil Appeal arising out of Dy. No.30684/2017, Bhartendu Kumar Dwivedi Versus Union of India and Others, decided on November 20, 2017, by dismissing Civil Appeal on delay as well as on merits."

3. The Tribunal has also taking into consideration the decision of the Supreme Court in the case of *Ex Cfn Narsingh Yadav vs. Union of India & Ors.*¹ that mental disorders cannot be detected at the time of recruitment and the subsequent manifestation which was about three years from the date of the service in the case did not entitle a person of disability

¹ Civil Appeal No.7672 of 2019 decided on 03.10.2019

pension unless there was very valid reason and strong medical evidence to dispute the opinion of the Medical Board. Considering the aforesaid position, we are also not inclined to accept the petitioner's contention that fresh medical board ought to be conducted. In our opinion, the Tribunal has rightly come to a conclusion that this was not such a case that needs to be made an exception from such position in law as held by the Supreme Court.

4. The learned counsel for the petitioner, however, has placed reliance on the decision of the Supreme Court in the case of *Dharamvir Singh vs. Union of India and Ors.*². Having perused the said decision in the facts of the present case, in our opinion, such judgment would not assist the petitioner. In this view of the matter, we are not inclined to interfere in this petition. It is accordingly, rejected. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

² (2013) 7 SCC 316