



WEB COPY

WP No. 15697 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 15697 of 2024

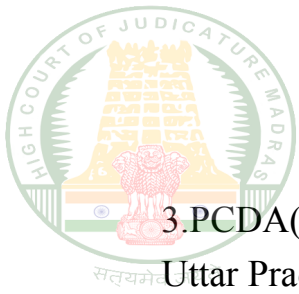
Ex-15429601-N Sep, Valthati Sikhamani,
S/o. Valthati John, aged 34 years, Army
Medical Corps Record Office, Village And
Post-Nagalakuntla, Taluk-Porumamilla,
District-Kadapa, Andhara Pradesh,
Pin-516 193.

Petitioner(s)

Vs

1. Union Of India Represented By its,
Secretary to Government of India,
Ministry Of Defence, South Block,
New Delhi -110 011.

2.The Chief of the Army Staff,
Army HQrs (AHQ),
Defence HQ(DHQ), Integrated
Headquarters Of MoD(Army), South
Block, New Delhi -110 011.



3.PCDA(P), Draupadi Ghat, Allahabad,
Uttar Pradesh 211 014.

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4.The Officer In Charge, Records,
The Army Medical Corps Records,
Pin 900 450 c/o56 APO

Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorarified mandamus, to call for the Records pertaining to the passing of the order dated 12.10.2023 in O.A. No. 39 of 2020 with M.A.No. 36 of 2020 on the file of the Armed Forces Tribunal Regional Bench Chennai and quash the same consequently direct the respondents to grant the disability pension or invalid pension with all attendant benefits from the date of invalidation.

For Petitioner(s): Mr.M.Selvaraj

For Respondent(s): M/s. B. Sudhir Kumar,
Senior Panel Counsel

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The order of the Armed Forces Tribunal, Regional Bench, Chennai in O.A.No.39 of 2020 with M.A.No.36 of 2020 dated 12.10.2023 is sought to be assailed in the present writ proceedings.



2. The original applicant before the Tribunal is the writ petitioner before this Court.

3. The petitioner was enrolled in the Indian Army on 28.09.2009 and admittedly, invalidated out from service on 22.06.2011. The petitioner served about 1 year and 8 months in Indian Army.

4. The Invalidation Medical Board assessed the disability of the writ petitioner which occurred due to *Schizophrenia* @ 40% for life and opined that the disability is neither attributable to nor aggravated by Military Service. Thus, the Authorities declined to grant disability pension based on the ground that the assessed disability was neither attributable to nor aggravated by Military Service. The first appeal filed by the writ petitioner was rejected. The second appeal was also rejected on 10.11.2017. Thereafter the original application was filed.



5. The Tribunal considered pension the regulation applicable for the army. As per Rule 173 of Pension Regulation for the Army 1961 (Part-I), the writ petitioner is not entitled to disability pension and therefore rounding off qualifying service would not arise at all.

6. The reason for invalidation has been elaborately considered by the Tribunal with reference to the Medical Report and Rules. The medical report produced before this Court would reveal that the invalidation is neither attributable to nor aggravated by Military Service as per Para 54 of Chapter VI GMO (Mil Pen 2002) as amended in 2008.

7. Pertinently, the petitioner was discharged on 22.06.2011. The second appeal was rejected in 2017. The original application has been instituted in the year 2020 and the grounds raised by the petitioner has been elaborately adjudicated by the Armed Forces Tribunal in consonance with the Pension Regulations and relying on the judgment of the Hon'ble Supreme Court of India.



Thus, we do not find any reason to interfere with the order impugned and stands confirmed.

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Accordingly, the Writ Petition stands **dismissed**. No Costs.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)

05-03-2025

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Index: Yes/No

Speaking/Non-speaking order

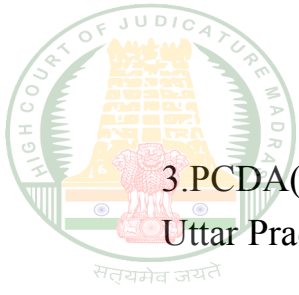
Internet: Yes

Neutral Citation: Yes/No

TO

1. Union of India,
Represented by its,
Secretary to Government of India,
Ministry Of Defence, South Block,
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2.The Chief of the Army Staff,
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