



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

WP No. 15089 of 2024

S.No.2790535-L Ex-Sepoy (ACP-I)
Jangala Rajkumar, S/o Rajanna,
Mottupalli -Village, Posupalli Post,
Komarole Taluk, Prakasam District,
Andhra Pradesh, PIN- 523 373.

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.Chief of Army Staff,
Army Head Quarters (AHQ),
Defence Head Quarters (DHQ),
Integrated Head Quarters (IHQ)
New Delhi - 110 011.



3. Principal Controller Defence

Accounts (Pension),

Droupati Ghat, Allahabad,

Uttar Pradesh,

Pin 211 014

4. The Officer In Charge Records

The Maratha Light Infantry Regiment

Pin 900 499 C/o 56 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 30.03.2022 in O.A. No 110 of 2019 with M.A. No 134 of 2019 on the file of the Armed Forces Tribunal, Regional Bench Chennai quash the same consequently direct the respondents to grant the disability element of disability pension with all attendant benefits.

For Petitioner(s): Mr.M.Selvaraj

For Respondent(s): M/s. V. Balasubramanian
Senior Panel Counsel for R1 to R4

**ORDER**

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

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Under assail is the order dated 30.03.2022 passed in O.A.No.110 of 2019 on the file of Armed Forces Tribunal, Regional Bench at Chennai.

2. The Original Applicant is the Writ Petitioner before this Court. The relief sought for before the Tribunal is to set aside the rejection order dated 02.02.2019 passed by the 4th respondent and to direct the respondents to grant disability pension with Broad banding Benefits from 40% to 50% with effect from 30.04.2010.

3. The facts in brief, as stated by the Original applicant before the Tribunal reveals that he was enrolled in Indian Army on 21.02.1994 and invalidated out from service on 01.05.2010 due to the ID, Generalised Anxiety Disorder under Army Rule 13(3) III (v) of Army Rules, 1954, after rendering 16 years, 2 months and 9 days of qualifying service. The Release Medical Board assessed the ID "Generalised Anxiety Disorder" at 40% for life and opined that the disability is neither attributable to nor aggravated by Military Service. Consequently, the petitioner was granted service pension vide PPO No.S/044887/2009.



4. First appeal was preferred on 23.10.2018, seeking grant of disability pension. However, the 4th respondent rejected the appeal vide letter dated 02.02.2019, stating that the petitioner's disability was neither attributable to nor aggravated by military service. Consequently, the petitioner filed the Original Application.

5. The facts regarding the service particulars of the writ petitioner are not disputed by the respondents.

6. The learned Counsel for the petitioner would submit that as per the Guide to Medical Officers (Military Pension) 2002, the case of the petitioner ought to have been considered by the authorities for grant of disability pension. He would submit that the petitioner was posted to on and off to high altitude to Pakistan field from Gurdaspur for one year, thereafter at field and high altitude service in Jammu and Kashmir for two years, thereafter extreme chill terrain area Dehradun for three years. Thereafter, he was posted from 30.05.2001 to 26.07.2002 for foreign Ethiopia country i.e., United Nation Mission world peace service, where he suffered foreign service stress. Thereafter, he was posted to another field and counter insurgency area named operation Rakshak war service at J&K Glacier location, there he was referred to Inspection room after minor treatment due to war service. Thereafter, the petitioner was posted to another Pakistan border at Jam Nagar, where he was downgraded to low medical category, for Generalized Anxiety Disorder disability, the percentage of disability was assessed 40% for life and discharged from service on medical



grounds. All these mitigating factors have not been taken into consideration by the authorities for grant of disability element of pension. That being so, the Tribunal ought to have considered the said factors for granting the relief.

7. The learned Counsel for the respondents opposed the contention of the petitioner by stating that the claim of the petitioner for disability pension was rejected based on the ground that the ID, Generalized Anxiety Disorder, is not connected with military service, ie., neither attributable to nor aggravated by military service. In this regard, he would refer the opinion of the medical board and the same is extracted hereunder:

<i>1. Casual Relationship of the Disability with Service conditions or otherwise</i>				
<i>Disability</i>	<i>Attributable to service (Y/N)</i>	<i>Aggravated by service (Y/N)</i>	<i>Not connected with service (Y/N)</i>	<i>Reason/cause/specific conditions and period in service</i>
<i>Generalized Anxiety Disorder</i>	<i>No</i>	<i>No</i>	<i>Yes</i>	<i>Patient has had the conditions due to domestic reasoning not associated with service.</i>

8. Admittedly, the petitioner was invalidated out from service on 01.05.2010 in Low Medical Category under Rule 13(3) Item III (v) of Army Rule, 1954 due to 'Generalized Anxiety Disorder'. The Invalidating Medical Board regarded the ID as neither attributable to nor aggravated by military



service. The Tribunal considered the grounds raised between the parties. The findings of the Tribunal are that the petitioner's invaliding disease, 'Generalised Anxiety Disorder' falls outside the purview of attributability to military service thus making him ineligible for disability pension.

9. Regarding the issue of Primacy of the Medical report, this Court is of the considered opinion that it is an expert report and to be taken into consideration by the Court, unless such report is directly in violation of statute and an error apparent has been identified. In other circumstances, the Court, not being an expert body, cannot substitute the opinion of the Medical Board or take a different view based on the submissions made between the parties.

10. In view of the facts and circumstances, we do not find any infirmity in respect of the findings of the Tribunal made in the impugned order. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

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

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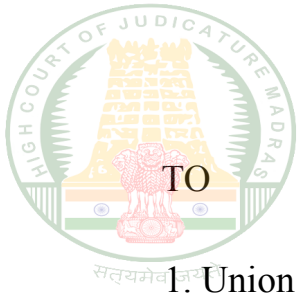
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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