



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2025

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**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P. No. 25858 of 2025
and W.M.P.No.29079 of 2025**

- 1.Union of India,
Represented by the Secretary,
Government of India,
Ministry of Defence,
Room No.227 B Wing,
Sena Bhawan, New Delhi-110 011.
- 2.The Chief of the Army Staff,
Army Head Quarters, IHQ,
DHQ Post, South Block,
New Delhi-110 001.
- 3.PCDA (P),
Draupati Ghar,
Allahabad-211 014.
- 4.The Chairman,
Second Appellate Committee on Pension (SACP),
PS Directorate, Room No.536,
Defence Offices Complex KG Marg,
IHQ of MoD (Army),
New Delhi-110 001.



5. OIC Records,
The Parachute Regiment,
Bangalore-560 006.

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Petitioners

Vs

1.Ex PTR 10359774 Annadurai B

2.The Managing Director,
Army Group Insurance Fund,
IHQ of MoD (Army),
Adjutant General's Branch,
AGI Bhawan, RTR Marg,
Vasanth Vihar, New Delhi-110 057.

Respondent(s)

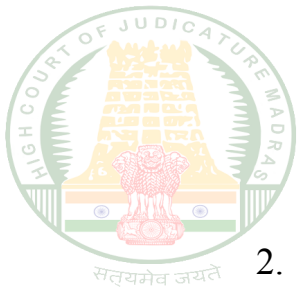
PRAYER The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to order dated 25.10.2025 passed in Original Application No.25 of 2023 with M.A.No.68 of 2023 on the file of the Hon'ble Armed Forces Tribunal, Chennai Bench and quash the same.

For Petitioner(s): Mr.AR.L.Sundaresan,
Additional Solicitor General of
India for M/s.Sakthivel AB

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The present Writ Petition is filed challenging the order dated 25.10.2025 passed in Original Application No.25 of 2023 with M.A.No.68 of 2023 on the file of the Armed Forces Tribunal, Chennai Bench.



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2. The facts of the case would disclose that the 1st respondent was enrolled on 05.08.1996 in 106 Infantry Battalion and discharge from service on 20.05.2006 under the clause "services no longer required" after rendering 9 years 319 days of service. The 1st respondent was on PAL from 18.02.2005 for 36 days and in order to rejoin his unit in Jammu and Kashmir on completion of leave, he booked return train tickets at Katpadi Railway Booking Office on 03.03.2005. While returning home in a two wheeler after booking his tickets, a driver of a civil bus entered the road on the wrong side in opposite direction and collided with the 1st respondent's two wheeler causing grievous multiple injuries to the 1st respondent. Since the injuries were serious, the Government Hospital, Vellore refused to admit him. The 1st respondent was unconscious and therefore, he was shifted to CMC Vellore. In spite of medical treatment given in CMC till 16.03.2005, there was no sign of recovery and hence the 1st respondent was shifted to Command Hospital, Bangalore on 17.03.2005 in an unconscious stage. He regained consciousness on 22.03.2005 and was discharged after treatment on 05.05.2005 and sent on 8 weeks sick leave till 07.07.2005. He reported back to Command Hospital, Air Force, Bangalore on 07.07.2005 and was discharged on 19.07.2005. Immediately on discharge from the hospital, the 1st respondent reported to his Unit at Bangalore on 19.07.2005. The Medical Board assessed the disability of the applicant @ 20%. The Court of Inquiry, in its findings, has assessed the cause of the accident to be entirely due to the private bus driver of a public transport who was driving in the



opposite direction to the individual on the wrong side which lead to the head on collision. The 1st respondent's claim for disability pension was rejected by the first Appellate Committee on 17.03.2008. The 2nd appeal preferred by the 1st respondent on 26.05.2008 was also rejected vide impugned order dated 21.07.2009, against which the 1st respondent has filed the Original Application before the Tribunal in O.A.No.25 of 2023, which came to be allowed, against which the instant writ petition has been filed by the Union of India.

3. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India, appearing for the petitioners would contend that in the present case, the impugned order was passed by the petitioners on 21.07.2009 and there is a delay of 3745 days on the part of the 1st respondent in filing the original application and the same was clearly barred by limitation under Section 22 of the Armed Forces Tribunal Act, 2007, however the Tribunal erred in entertaining the original application beyond the prescribed period of limitation. It is further contended that the Armed Forces Tribunal has fundamentally flawed in its reasoning as the 1st respondent's injuries sustained during personal leave in the course of personal activities cannot be deemed as "attributable to military service" and consequently, the grant of disability pension is without any legal basis. It is also contended that the Tribunal erroneously extended the scope of "duty" as provided for under Note 2(d) of Rule 12 of the Entitlement Rules of 1982, ignoring the fact that the said rule only caters for injuries suffered during performance of actual journey to and fro from leave and not the act of booking

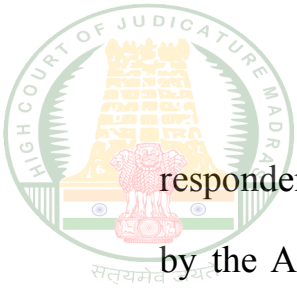


tickets for such leave and such an extension is patently illegal and therefore, prays for interference.

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4. Since no adverse order going to be passed as against the 1st respondent, notice to the 1st respondent is dispensed with.

5. The facts are not in dispute. As regards the untoward accident, it has been established by the Court of Inquiry that the 1st respondent cannot be blamed for the injuries he sustained in the accident, especially when it was entirely because of the fault of the private bus driver, who came in the opposite direction. It was also proved before the Court of Inquiry that the 1st respondent was wearing a Helmet and following the rules of the road and since there has been no serious negligence/misconduct on the part of the 1st respondent, the injury sustained by him will be deemed to have resulted from military service. The 1st respondent disabilities namely (i) Fracture Lower End of Radius (Rt) @ 11-14% (ii) Fracture ULNA (Rt) @ 11-14% (iii) Fracture Femur @ Tibia (Rt-Optd) and Multiple laceration @ 11-14% with composite disability assessed @ 20% is considered as attributable to military service and the 1st respondent having been discharged under the Clause "Services No Longer required" being in Low Medical Category, as such, the Tribunal has rightly held that the disability of the 1st respondent is attributable to military service and therefore, he is entitled to disability pension. This Court is of the considered view that the reasoning assigned by the Tribunal in granting disability pension to the 1st



respondent is a well considered one and finds no infirmity in the order passed by the Armed Forces Tribunal, Chennai. This Writ Petition lacks merits and deserves dismissal.

6. In the result, this Writ Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is also dismissed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
29-07-2025

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WP No.25858 of 2



J.NISHA BANU J.
AND
M.JOTHIRAMAN J.

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W.P. No.25858 of 2025
and W.M.P.No.29079 of 2025



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WP No.25858 of 2



29-07-2025

W.M.P.No.29076 of 2025
in W.P.No.25858 of 2025

J.NISHA BANU J.
and
M.JOTHIRAMAN J.

Dispensed with for the present.

[J.N.B., J.] [M.J.R., J.]
29-07-2025

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