



W.P.No.10089 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED :04.02.2025

CORAM :

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

W.P.No.10089 of 2024

Ex.Gnr.C.Srinivasan

... Petitioner

Vs.

1.Union of India represented by the
Secretary, Ministry of Defence,
New Delhi – 110 010.

2.The Chief of Army Staff,
Army Headquarters, South Block,
New Delhi – 110 001.

3.Officer-in-Charge (Records),
Topkhana Abhilekh Artillery Records,
Pin – 098802, C/o.56 APO.

4.Principal Controller of Defence Accounts,
Draupathi Ghat, Allahabad, Uttar Pradesh – 211 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records relating to the Order dated 11.09.2023 passed by the Armed Forces Tribunal, Regional Bench at Chennai in O.A.No.110 of 2021 with M.A.No.110 of 2021 and to quash the same.

For Petitioner : Mr.K.Kathiresan



W.P.No.10089 of 2024

For Respondents : Mr.V.Balasubramanian, Senior Panel Counsel

WEB COPY

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

Rejection of the claim of the Writ Petitioner by Armed Forces Tribunal, Regional Bench, Chennai in O.A.No.110 of 2021 with M.A.No.110 of 2021 dated 11.09.2023 resulted in institution of Writ proceedings before this Court by the applicant.

2. The applicant was enrolled in the Indian Army on 13.03.2012 and admittedly discharged from service on 31.08.2015 in Low Medical Category for the disease " PIVD L5/S1". The Release Medical Board held on 31.08.2015 at 159 GH Ferozpur considered the ID with 20% disability for life and opined that it is aggravated due to stress and strain of service conditions.

3. The Writ Petitioner was not granted any pension. However, subsequently he was granted Disability Element of Disability Pension with effect from 01.09.2015 vide PPO dated 19.01.2017. However, the petitioner approached the Armed Forces Tribunal questioning the validity of the rejection order dated 29.04.2021 and seeking direction to the respondents to grant Service Element of Disability Pension from the date of discharge, with effect from



W.P.No.10089 of 2024

01.09.2015 with all consequential benefits to endorse the name of his wife viz.,

WEB Smt.Revathi for family pension in the Corrigendum PPO and to extend the benefits of ECHS, Canteen facility, education quota, concessions etc.

4. The service records of the Writ Petitioner submitted before the Armed Forces Tribunal was considered and the records establish the following,

“(a) The Applicant was enrolled in the Regiment of Artillery on 13.3.2012.

(b) The Applicant while serving with 98 Field Regiment, had submitted an Application dated 19.1.2015 to the Commanding Officer for his discharge from service prematurely on extreme compassionate grounds. The Unit Petition Committee, after considering the genuineness of the case, recommended his case for premature discharge from service on 3.4.2015.

(c) The Applicant was discharged from service w.e.f. 1.9.2015 at his own request on extreme compassionate grounds before fulfilling the conditions of his enrolment under Rule 13(3) Item III (iv) of Army Rule 1954 after rendering 3 years and 5 months.

(d) The Applicant was placed in Low Medical Category S1H1A1P3E1 (Permanent) due to the ID, "PIVD L5/S1" and the Release Medical Board held at 159



WEB COPY



W.P.No.10089 of 2024

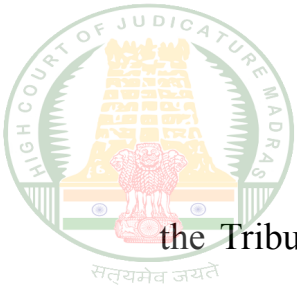
General Hospital on 31.8.2015 regarded the disability as aggravated by Military Service due to physical stress and strain of military service and assessed the ID @ 20% for life.

(e) The Applicant was granted Disability Element of Disability Pension @ 20% w.e.f. 1.9.2015 to 31.12.2015 vide PPO dated 19.1.2017 and thereafter @ 50% (duly rounded off) from 1.1.2016 for life as per 7th CPC recommendations.”

5. With reference to the above facts, the Tribunal considered the eligibility of the petitioner for grant of Service Element benefits with reference to the Rules. The Tribunal relied on paragraph No.50 of Pension Regulations, 1961 (Part I & II) and Paragraph No. 173 of Pension Regulations, 1961 (Part I & II). The Tribunal considered the following issues,

- (a) Was the discharge of the Applicant in order?
- (b) Is the applicant entitled to Service Element of Disability Pension?
- (c) Is the applicant entitled for grant of Ex. Serviceman Status?
- (d) Is the applicant entitled for grant of ECHS facilities?

6. As far as the Issue No.(d) is concerned, the relief was granted by



W.P.No.10089 of 2024

the Tribunal in favour of the Writ Petitioner, since the respondents conceded

that the petitioner is eligible to avail the benefit under Issue No.(d) i.e., ECHS facilities. The first 3 issues were decided based on the pension regulation, which we do not find any infirmity or perversity. Admittedly, the petitioner has completed total services of 3 years 5 days. That being so, he is not eligible for pension or for Service Element of Disability Pension.

7. The Tribunal found that the petitioner is not eligible for Service Element of Disability Pension, since he has rendered only 3 years 5 days service and was discharged from service on his own request. The qualifying services required for grant of Service Element of Disability Pension is 15 years, and 10 years service for invalid pension. That being so, the Tribunal has decided the issues in consonance with the Pension Rules and within the scope and its mandate. Thus, the Writ Petition is devoid of merits.

8. In view of the aforesaid reasons, the order passed by the Armed Forces Tribunal, Regional Bench at Chennai in O.A.No.110 of 2021 with M.A.No.110 of 2021 dated 11.09.2023 stands confirmed and the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.



W.P.No.10089 of 2024

[S.M.S., J.] [K.R.S., J.]
04.02.2025

WEB COPY

Index: Yes/No
Speaking/Non-speaking order
gd

To

- 1.Union of India represented by the
Secretary, Ministry of Defence,
New Delhi – 110 010.
- 2.The Chief of Army Staff,
Army Headquarters, South Block,
New Delhi – 110 001.
- 3.Officer-in-Charge (Records),
Topkhana Abhilekh Artillery Records,
Pin – 098802, C/o.56 APO.
- 4.Principal Controller of Defence Accounts,
Draupathi Ghat, Allahabad, Uttar Pradesh – 211 014.



WEB COPY



W.P.No.10089 of 2024

S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

gd

W.P.No.10089 of 2024

04.02.2025