

Ajit Singh Vs. Armed Forces Tribunal and Others

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Court : Punjab and Haryana

Decided On : Jul-25-2014

Appellant : Ajit Singh

Respondent : Armed Forces Tribunal and Others

Judgement :

C.W.P No.14191 of 2013 ::1:: IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH C.W.P No.14191 of 2013 Date of decision : July 25, 2014 Ajit Singh,Petitioner v.

Armed Forces Tribunal and otheRs.....Respondents *** CORAM : HON'BLE Mr.JUSTICE HEMANT GUPTA HON'BLE MR.JUSTICE AJAY TEWARI *** Present : Mr.G.S Punia, Sr.Advocate with Ms.Mandeep Kaur, Advocate for the petitioner.

Mr.Karminder Singh, Advocate for respondents No.2 to 5.

*** 1.

Whether Reporters of Local Newspapers may be allowed to see the judgment ?.

2.

To be referred to the Reporters or not ?.

3.

Whether the judgment should be reported in the Digest ?.

*** Ajay Tewari, J This writ petition has been filed against the order dated 5.4.2013, passed by respondent No.1-Armed Forces Tribunal allowing the Transfer Application of the respondent-Union of India filed against the judgment of the lower appellate Court vide which the claim of petitioner for grant of disability pension on account of his having developed Myopia (Astigmatism) was allowed.

Kumar Kishan 2014.08.04 14:53 Brief facts are that the petitioner filed a civil suit inter-alia I attest to the accuracy and integrity of this document High Court Chandigarh C.W.P No.14191 of 2013 ::2:: stating that he served the Government of India w.e.f 01.07.1943 to 26.09.1948 in different units.

While serving with the Ministry of Defence, he became a victim of invalidment on account of defect in both of his eyes as Myopia and consequently he was invalided out of service on 26.9.1948.

The trial Court dismissed the suit on the ground of limitation.

The petitioner filed an appeal which was allowed.

The Union of India challenged the order of the lower appellate Court by way of Regular Second Appeal before this Court which was later-on transferred to the Armed Forces Tribunal.

The Tribunal allowed the Transfer Application of the Union of India by the impugned order.

Learned counsel for the petitioner has argued that when the petitioner joined the service, there was no problem in the vision and this problem has arisen due to his exigencies of service.

The Tribunal has noticed that the petitioner was referred to Release Medical Board before he was discharged and that before the Courts the petitioner had not led any evidence to show that his disease was either attributable to or aggravated by the military service.

The Tribunal further noticed that all medical records as well as other relevant record in respect of the petitioner had been destroyed in 1983 after 25 years of his release being a non-petitioner.

Counsel for the respondents, on the other hand, has relied upon Annexure III to Appendix II of the Pension Regulations for the Army, 1961 (Part I).wherein both Myopia and Astigmatism are classified as diseases not normally affected by service.

In the circumstances, we see no ground to take a view different to that taken by the Tribunal and consequently dismiss the writ petition Kumar Kishan 2014.08.04 14:53 I attest to the accuracy and integrity of this document High Court Chandigarh C.W.P No.14191 of 2013 ::3:: leaving the parties to bear their own costs.

(AJAY TEWARI) JUDGE (HEMANT GUPTA) July 25, 2014 JUDGE `kk' Kumar Kishan 2014.08.04 14:53 I attest to the accuracy and integrity of this document High Court Chandigarh

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