

ARMED FORCES TRIBUNAL REGIONAL BENCH, KOCHI
O.A.NO. 56 OF 2011
THURSDAY, THE 7TH DAY OF MARCH, 2013/16TH PHALGUNA, 1934
CORAM:

HON'BLE MR. JUSTICE SHRIKANT TRIPATHI, MEMBER (J)
HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

APPLICANT:

MANOHARA KRISHNAN.K.,
NO.14219417 P RANK SIGMN,
S/O.LATE C.V.BALAKRISHNAN NAIR,
AGED 60 YEARS, KRISHNASHREE,
12/1528, MELE ARAPOYIL,
MARYKUNNU.P.O.,
KOZHIKODE, KERALA.

BY ADV.SRI.A. ABDUL JALEEL.

VERSUS

RESPONDENTS:

1. THE UNION OF INDIA,
REPRESENTED BY DEFENCE SECRETARY,
101, SOUTH BLOCK, NEW DELHI - 11.
2. THE CONTROLLER OF DEFENCE ACCOUNTS,
ALLAHABAD, UTTAR PRADESH- 211014.
3. THE CONTROLLER OF DEFENCE ACCOUNTS,
CHENNAI - 18, TAMIL NADU.
4. THE RECORDS OFFICER, SIGNAL RECORDS,
JABALPUR, MADHYA PRADESH - 273008.
5. THE CHIEF OF ARMY STAFF,
ARMY HEADQUARTERS, GOVT. OF INDIA,
NEW DELHI - 11.

BY MR.K.M.JAMALUDHEEN, SENIOR PANEL COUSNEL

O R D E R

Shrikant Tripathi, Member (J):

1. None is present for the applicant. Heard Mr.K.M.Jamaludheen for the respondents and perused the record.

2. The matter is ripe for final disposal, therefore, we are disposing of the matter on merit instead of dismissing the petition for want of prosecution.

3. The relevant facts are that the applicant Manohara Krishnan.K., Ex Signal Man, No.14219417P has filed the instant Original Application for a direction to the respondents to grant him financial assistant/disability pension and other benefits as are made available to persons relieved on medical grounds from military service. He has further prayed for a direction to the respondents 2 and 3 to consider and pass orders on his representations Annexures A2 and A3. Retrenchment benefits and other interim monetary reliefs have also been claimed.

4. It is almost admitted that the applicant was enrolled in the Army on 11th July 1972 and was invalided out of military service with effect from 25th April 1981 under Army Rule 13(3) item III (iii), having been placed in low medical category. The Medical Board found that the applicant was suffering from the disability "Neurosis (300) and Epilepsy (344)", but regarded the same as neither attributable to nor aggravated by the military service. More so, the disability was assessed at 20% for two years which expired in the year 1983. In this view of the matter, the applicant's disability, if any, as assessed by the Invaliding Medical Board came to an end in 1983 itself. There is no other material to show that the disability continued even thereafter. Therefore the claim for the disability pension does not appear to have any merit due to the reason that the initial disability of two years was neither attributable to nor aggravated by military service and the same did not exist after 1983.

5. The applicant had rendered only 8 years and 289

days of service, therefore, he was not entitled to service element of pension or even invalid pension. To earn service element of pension, one has to render at least 15 years of service. For the invalid pension, the minimum qualifying service is 10 years. The applicant does not fulfill these two requirements.

6. The counsel for the respondents submitted that a sum of Rs.2000/- was paid to the applicant for the rehabilitation by way of purchasing milch animal and establishing cottage industries.

7. It is significant to mention that Regulation 164 of the Pension Regulations for the Army, 1961 empowers the President of India to sanction at his discretion special pension or gratuity to retired Armed Forces Personnel. It is, therefore, open to the applicant to move to the President of India for granting him special pension/gratuity in terms of the aforesaid Regulation 164. If any such petition is moved, the same may be given due consideration and appropriate decision thereon shall be taken in accordance with law as

expeditiously as possible, preferably within four months from the date of receipt of the representation.

8. With the aforesaid observations the Original Application is disposed of.

9. There will be no order as to costs.

10. Issue copy of the order to both side.

Sd/-

LT.GEN.THOMAS MATHEW
MEMBER (A)

Sd/-

JUSTICE SHRIKANT TRIPATHI
MEMBER (J)

an

(true copy)

Prl.Pvt.Secretary