

(2014) 07 P&H CK 0545

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 6474 of 2013

N.K. Ranjit Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: July 21, 2014

Hon'ble Judges: Hemant Gupta, J; Fateh Deep Singh, J

Bench: Division Bench

Advocate: Navdeep Singh, Advocate for the Appellant; Mohit Malik, Advocate for the Respondent

Final Decision: Allowed

Judgement

Hemant Gupta, J.

The challenge in the present writ petition is to an order passed by the Armed Forces Tribunal, Regional Bench Chandigarh, Chandimandir (for short "the Tribunal") on 31.07.2012 whereby an Original Application filed by the petitioner for grant of disability pension remained unsuccessful.

2. The petitioner while serving in 4 Sikh Regiment in Uri Sector (J & K) in the year 1996, was granted casual leave for 14 days i.e. from 12.03.1996 to 24.03.1996. However, when he was riding on a scooter along with Sepoy Bikkar Singh while on leave, suffered multiple head and other injuries on 23.03.1996. The petitioner resumed his duties after he was medically treated at Army Hospital, Delhi in October-November, 1996 but he was invalidated out from service on 30.04.2007 without any disability pension. The petitioner was examined by Release Medical Board. The Board opined that the injuries suffered by the petitioner is "head injuries (operated) and Right Lateral Rectus palsy with right sided homonymous hemianopsi". The Release Medical Board opined that the injuries were not attributable to military service since the injuries were suffered during casual leave but opined that the injuries were declared as aggravated and connected with military service and assessed the same to be 50% for life.

3. However, the petitioner was again subjected to Review/Appeal Medical Board. The opinion of the earlier board was reiterated except that it was not opined that the injury is aggravated by military service. It was further reported that the injuries were caused in an accident when the petitioner was availing casual leave. Therefore, he is not entitled to disability pension.

4. This Division Bench in CWP No. 17792 of 2013 titled as "Barkat Masih Vs. Union of India and others" decided on 23.05.2014, has examined the question whether personnel of the Armed Forces, while availing casual leave suffers an injury; whether such injury can be said to be during military service. It was held that injuries suffered by Armed Forces Personnel when on casual leave entitle the personnel for disability pension as such injury is deemed to be attributed during military service.

5. In view of the aforesaid judgment, the present writ petition is allowed. The petitioner shall be entitled to arrears of disability pension for a period of 3 years prior to filing of an Original Application before the Tribunal in terms of judgment in CWP No. 7277 of 2013 titled as "Umed Singh Vs. Union of India and others", decided on 14.05.2014 as well.