

**GOVERNMENT OF INDIA  
DEFENCE  
LOK SABHA**

UNSTARRED QUESTION NO:6689  
ANSWERED ON:08.05.2003  
DISABILITY PENSION  
DALPAT SINGH PARASTE

**Will the Minister of DEFENCE be pleased to state:**

- (a) whether the Delhi High Court has quashed the Government order of stopping the disability pension of those ex-servicemen who did not meet disability criteria recently;
- (b) if so, the details regarding observations of the court;
- (c) the number of ex-servicemen are going to be benefited by this order;
- (d) whether Government have also considered the fate of the Army Personnel who have been boarded out on account of disability, on or after January 1, 1982; and
- (e) if so, the extent to which the amended rule do favour for the welfare of the ex-army (disabled) personnel?

**Answer**

MINISTER OF DEFENCE (SHRI GEORGE FERNANDES)

(a) & (b): A statement is attached.

(c) There are 253 petitions in the judgement of 6th March, 2003 of the Delhi High Court.

(d) & (e): Ex-servicemen boarded out on account of disability are entitled to disability pension as per the relevant provisions of the Pension Regulations of the Army, Navy and Air Force and orders issued by the Government from time to time on the subject.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) & (b) OF LOK SABHA UNSTARRED QUESTION NO. 6689 FOR 8.5.2003

There are more than one judgements of the Delhi High Court in the matter of disability pension. However, the Hon'ble Delhi High Court in its judgement dated 6th March, 2003 in Civil Writ 5166/2000 entitled 'ex-Jasbir Singh Vs Union of India and others' have referred to sub-para 9 of para 199 at page 86 of the judgement dated 15th November, 2002 of the Division Bench of the Delhi High Court in Civil Writ 3868/1993 entitled ex-Signalman Shri Bhagwan Vs Union of India and others and also the observations of the Hon'ble Supreme Court in Civil Appeal No. 164/1993 decided on 14th January, 1993 in ex-Sapper Mohinder Singh Vs Union of India and observed as under:

'We make it clear, following ratio of judgement, as aforesaid, that respondents must grant pensions to such writ petitioners in whose favour the medical opinion in terms of AFMS Form-16 has been given and a certificate to that effect has been issued in terms of the said Form-16 as there is no reason why they should not be granted pension in terms thereof. In such cases where on the material available on the basis of the advice of the specialist, for the reasons to be recorded in writing, there are strong reasons for coming to a different conclusion than what has been recommended on AFMS Form 16 by the Competent Authority, the case of such pensioners shall be assessed by a Review Medical Board. In case the Review Medical Board also agrees with the opinion of the Medical Advisor attached to the office of CDA (Pension) in that case an opportunity shall be granted to the petitioner concerned to plead his case before the appellate authority for grant of pension.'