

(1998) 10 DEL CK 0001
In the Delhi High Court
Case No : CW.No.4688 of 1996

G.S. Dahiya (Unsound Mind)

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 16-10-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 6 AD 835 : (1998) 48 DRJ 751

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : Mr. B.S. Gahlaut, for the Appellant; Mr. Manoj Kumar Shrama, for the Respondent

Judgement

K. Ramamoorthy, J.—The wife of Mr.J.S.Dahiya who has been declared unsound mind has filed this writ petition claiming the following reliefs:-

"In view of the facts and circumstances stated above, it is most respectfully prayed that your Lordships may be graciously pleased to:

(i) Issue writ of mandamus or any other appropriate writ directing the respondents to grant disability pension and suitable compensation;

(ii) Further directing the respondents to promote the petitioner to the rank of Store Chief Petty Officer, w.e.f.1.9.1988 as per IN-52 (Order for Promotion), issued by Bureau of Sailors, Bombay, with all the consequential benefits accrued thereof;"

2. So far as the promotion aspect is concerned, it cannot be considered because the petitioner is of unsound mind. Regarding the disability pension, the Medical Board while examining the petitioner had fixed the disability pension at 40% and recommended the payment of disability pension @ Rs.188/- per month.

3. In the counter, the respondents had narrated the facts but had, on account of very crucial fact, denied the right of the petitioner for the disability pension. The

petitioner is entitled to disability pension @ Rs.188/- per month from the date of discharge i.e.14.8.1989. The respondents shall pay the disability pension to the petitioner as per prevailing rate with all arrears up to date on or before the 30th of November, 1998.

4. The learned counsel for the petitioner submitted that the respondents may be directed to pay suitable compensation. The learned counsel for respondents submitted that the petitioner was treated, while he was ill, by the Military Hospital. Under the circumstances, I am of the view that the petitioner has not made out any case of for the grant of compensation.

5. The writ petition stands allowed to the above extent.

6. There shall be no order as to costs.