

RESERVED**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****ORIGINAL APPLICATION No. 430 of 2020**Friday, this the 12th day of November, 2021**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

1. Smt Sushila Tripathi, W/o No. 670475 Ex Cpl Ramdhan Tripathi.
2. Sanesh Saurav Tripathi, S/o No 670475 Ex Cpl Ramdhan Tripathi.

..... Applicants

Ld. Counsel for the : **Shri Vijay Kumar Pandey**, Advocate.
Applicants

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, R.K. Puram, New Delhi-110011.
2. Directorate of Air Veterans, Air Headquarters, Subroto Park, New Delhi-110010.
3. OIC Records, Air Force Record Office, Subroto Park, New Delhi-110010.

.....Respondents

Ld. Counsel for the
Respondents.**Shri DK Pandey**,
Central Govt. Counsel

ORDER

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-

(a) That this Hon'ble Tribunal may kindly be pleased to quash the impugned orders dated 13.07.2016, 31.03.2016, 29.01.2016, 22.12.2015 & 21.10.2004 passed by opposite party No 2 & 3, as contained in annexure No 1,2,3, 4 & 5 and also direct the opposite parties to give employment to the son of the applicant in the Indian Air Force i.e. applicant No 2, in Group 'Z' in the interest of justice.

(b) That this Hon'ble Tribunal may kindly be awarded the cost Rs 20,20,000/- (Rupees twenty lac and twenty thousand only) to the applicant against the opposite parties.

(c) Any other beneficial relief which this Hon'ble Tribunal deems fit and reasonable be also awarded to the applicant against the respondents.

2. Brief facts of the case are that No. 670475 Ex Cpl Ramdhan Tripathi was discharged from Air Force service on 12.03.1990 having been found medically unfit for further service on account of disability 'Acute Psychosis (Personality Disorder, Schizophrenia). The ex-serviceman died in the year 2021. Applicant has filed the instant O.A. for grant of employment to her son in Indian Air Force in Group 'Z' under the provisions of 'Employment Assistance under Indigent Circumstances Scheme'. Her son had applied for above post on the ground of his father being invalided out from service in

medically unfit condition but was denied on the ground that he did not meet the criteria for employment. This O.A. has been filed for issuing directions to respondents for consideration of his job.

3. Submission of learned counsel for the applicant is that Ex Cpl Ramdhan Tripathi was invalidated out of service due to psychosis which as per medical dictionary is a mental disorder in which there is severe loss of contact with reality, evidenced by delusions, hallucinations, disorganized speech patterns, and bizarre or catatonic behavior. His further submission is that psychotic disorders are common features of schizophrenia which involves dysfunction in one or more areas such as interpersonal relations, work or education or self-care. Learned counsel for the applicant further submitted that the deceased soldier was unable to lead life of a common person independently and he later died due to this disease. He pleaded for employment in Group 'Z' category to her son under 'Employment Assistance under Indigent Circumstances Scheme' as per policy letter on the subject.

4. On the other hand submission of learned counsel for the respondents is that since applicant was not meeting criteria of 'Employment Assistance under Indigent Circumstances Scheme', stipulated in policy letter for the purpose, he was not considered for the said employment. His further submission is that at the time of invalidation, the deceased soldier was found

fit for civil employment and this endorsement in his discharge book became impediment to his son to get employment under the said scheme. He pleaded for dismissal of O.A.

5. We have heard learned counsel for the parties and perused the material placed on record.

6. It is not disputed that Saneh Saurav Tripathi is son of deceased Cpl Ramdhan Tripathi who was invalided out of service on 12.03.1990 and died in the year 2021. His son applied for a post under 'Employment Assistance under Indigent Circumstances Scheme' but was denied on the ground that his father was declared as "fit for civil employment" in his discharge book at the time of invaliding out of service.

7. Records show that the applicant had written to authorities concerned to gain employment under the scheme but every time he was denied the same stating that he did not fulfill the criteria. We have perused the Govt policy, 'Employment Assistance under Indigent Circumstances Scheme' and we find that it is applicable only for the dependents of Armed Forces personnel who died during service or killed in action or medically boarded out and unfit for civil employment. The Corporal was medically discharged in the year 1990 on account of Schizophrenia/Psychotic disorder but in his discharge book it is mentioned that he is "fit for civil employment", but the fact is that personnel having suffered with this type of mental disorder cannot be employed anywhere in a civil post as they cannot be

in a fit state to perform duties satisfactorily. Since, the ex-soldier died in the year 2021, applicant Saneh Saurav Tripathi is entitled to avail the benefit of the Govt policy i.e., 'Employment Assistance under Indigent Circumstances Scheme'.

8. During the course of hearing we have been told that only 5% vacancies are filled from such category and there are large number of eligible persons on waiting list. Thus, keeping in view that applicant Saneh Saurav Tripathi is entitled to job under the aforesaid scheme, we direct that his name be considered under this scheme being ward of the deceased airman.

9. In view of the above, O.A. is **allowed**.

10. No order as to costs.

11. Pending miscellaneous applications, if any, shall stand disposed off.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
Member (A) Member (J)

Dated: 12 November, 2021
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