HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 33618 OF 2025

Between:

P. Venkateshwar Rao, S/o Late Pothu Ramaswamy, Aged about. 75 years, Occ. Ex Sepoy (Service No.14521942-H), Rio H No.7-1-47, Flat No.403, Ratnadeep Apartment, Sai Nagar, Balasamudram, Hanamkonda District, Telengana-506 001.

...PETITIONER

AND

1. Union of India, rep by the Secretary, Ministry of Defence, South Block, Govt of India, New Delhi 110 011.
2. The Chief of the Army Staff, IHQ of MoD (Army), DHQ Post, South Block, New Delhi-110 011.
3. The officer-in-charge, EME Records, Pin 900453 c/o 56 APO., Bollarum, Secunderabad.
4. PCDA (P) Draupadi Ghat, Allahabad, UP 211 014 Sadar Bazar, Saraswathi Vihar Colony, Ashok Nagar, Prayagraj, Uttar Pradesh.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or orders more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in dismissing the O.A.No.109/2021 in M.A. No.107/2021 on the file of Armed Forces Tribunal, Regional Bench, Chennai Circuit Bench at Hyderabad as illegal, arbitrary and violation of principles of natural justice and Article 14 and 21 of the Constitution of India and to consequently set aside the order dated 08.11.2023 passed in O.A.No.109/2021 in M.A. No.107/2021 on the file of Armed Forces Tribunal, Regional Bench, Chennai Circuit Bench at Hyderabad in the interest of justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set aside the order dated 08.11.2023 passed in C.A.No.109/2021 in M.A. No.107/2021 on the file of Armed Forces Tribunal, Regional Bench, Chennai Circuit Bench at Hyderabad in the interest of justice pending disposal of the main writ petition.

Counsel for the Petitioner : SRI ETYMOS LEGAL SERVICES PRIVATE LIMITED

Counsel for the Respondents : SRI N.BHUJANGA RAO,
Dy.Solicitor General of India

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.33618 of 2025

ORDER:

Learned counsel Sri Sunil Kumar Pandey, representing M/s. Etymos Legal Services Private Limited, appears for the petitioner.

Sri N.Bhujanga Rao, learned Deputy Solicitor General of India, appears for the respondents.

2. The petitioner approached the learned Armed Forces Tribunal, Regional Bench, Chennai, Circuit Bench at Hyderabad (hereinafter referred to as, "the Tribunal"), for consequential benefits of pension for the period 15.08.1981 to 25.04.2016 and also to grant fixed medical allowance with effect from 15.06.1998 till he became ECHS member on the strength of an order passed in appeal dated 26.04.2016 preferred after thirty six years by the petitioner for claiming disability pension when he was invalidated on 14.08.1981. By the impugned order dated 08.11.2023

passed in O.A.No.109 of 2021 in M.A.No.107 of 2021, the learned Tribunal refused to allow the claim for arrears of consequential benefits with effect from 1981 and upheld the order passed in appeal by the Medical Board of the respondents. Being aggrieved, the petitioner has preferred this writ petition.

3. We have heard the learned counsel for the petitioner and the learned Deputy Solicitor General of India appearing for the respondents.

4. There is no explanation worth its name for having preferred an appeal after thirty six years for claiming disability pension when the petitioner was invalidated on 14.08.1981. The appellate authority has favourably considered the request for grant of disability, but made it prospective. The learned Tribunal has opined that as per the Ministry of Defence letter dated 14.12.2014, in cases of appeal filed after long delay without any specific reasons, the arrears of disability pension, if any, should not be paid for the entire period and it should be reduced to the extent

of delay in filing the appeal. Therefore, the learned Tribunal refused to interfere in the matter.

5. We do not find any error in the impugned order and the instant writ petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

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SECTION OFFICER

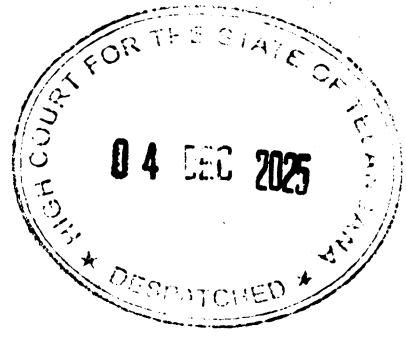
To,

1. The Secretary, Ministry of Defence, South Block, Govt of India, New Delhi 110 011.
2. The Chief of the Army Staff, IHQ of MoD (Army), DHQ Post, South Block, New Delhi-110 011.
3. The officer-in-charge, EME Records, Pin 900453 c/o 56 APO., Bollarum, Secunderabad.
4. The PCDA (P) Draupadi Ghat, Allahabad, UP 211 014 Sadar Bazar, Saraswathi Vihar Colony, Ashok Nagar, Prayagraj, Uttar Pradesh.
5. One CC to M/s.ETYMOS LEGAL SERVICES PRIVATE LIMITED, Advocate. [OPUC]
6. One CC to SRI N.BHUJANGA RAO, Deputy/Additional Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
7. Two CD Copies.

BSK
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HIGH COURT

DATED:07/11/2025



ORDER

WP.No.33618 of 2025

DISMISSING THE WRIT PETITION
WITHOUT COSTS

(9)

kpr

18/11/25