

News

A soldier who served at Siachen 36 years ago has been granted a disability pension by the Supreme Court.

The Army denied Bijender Singh's assertion that his posting at Siachen Glacier caused him to begin having seizures.



In the recent case of **Bijender Singh v Union of India & Ors**, the Supreme Court mandated that the Indian Army pay a disability pension and arrears to a soldier who was discharged from service 36 years ago due to seizures.

The army was directed by a bench of **Justices Abhay S. Oka and Ujjal Bhuyan** to provide Bijender Singh with the disability component of disability pension at a rate of 50% starting in

January 1996 and continuing for the rest of his life.

"Until the arrears are paid, interest will be charged at a rate of 6% annually. The Court mandated that the respondents follow the aforementioned instructions within three months of today.

Singh had stated that upon his posting to Siachen Glacier, he began to experience seizures.

The Supreme Court reaffirmed that the military's morale needs complete and unwavering protection and that it would be seriously damaged if any injury led to a loss of duty without compensation.

It stated that the law now makes it plain that if the medical board did not note or report that a member had a certain illness at the time of enlistment, it would be assumed that the member contracted the illness as a result of serving in the military.

Therefore, it is the employer's responsibility to demonstrate that military service is neither the cause nor a contributing factor in the illness. Additionally, the Court emphasized that any illness or ailment that renders a member of the armed forces invalid out of service must be presumed to be greater than 20% in order to qualify for a 50% disability pension.

Singh had appealed to the Supreme Court against the Armed Forces Tribunal's (AFT) rulings that denied his disability compensation claim.

He enlisted in the Army in 1985, but due to a condition known as generalized tonic clonic seizure, he was invalided out of duty in 1989 (old 345 V-67).

Singh countered that he was in good health when he enlisted and that he developed this impairment while serving from May 1988 to September 1988 in the high-altitude Siachen glacier.

According to the medical board, military service was neither the cause nor a contributing factor in the condition. Three later re-survey medical boards, established in 1992, 1998, and 2002, determined that he was permanently incapacitated after evaluating his condition at 15% to 19%.

Singh appealed his dismissal to the AFT, however the AFT denied his claim in 2016 and

declined the review case in 2018.

The Supreme Court stated in its ruling that the AFT did not investigate the question of whether military service caused or exacerbated the condition; instead, it merely relied on the invalidating medical board's and re-survey medical boards' comments.

According to the Court, Singh was not diagnosed with the illness that rendered him invalid when he joined the military.

Considering the aforementioned considerations, we believe that the Tribunal's contested orders are completely unsupportable under the law. In light of this, the Court ruled that the contested orders from January 22, 2018, and February 26, 2016, were hereby revoked.

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