



2026:CGHC:13740

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 9714 of 2025**

- Surgeon Commander Syam N @ Syam Naveen Kumar S/o Late Shri P.V. Naveen Kumar Aged About 40 Years R/o 4th Floor Rao Trade Center Telipara, Bilaspur District Bilaspur (C.G.) (As Per Honble Court Order Dated 29-08-2025)

--- **Petitioner(s)****versus**

1. Union Of India Through The Secretary, Ministry Of Defence, Government Of India, South Block, New Delhi 110001
2. The Chief Of The Naval Staff Integrated HQS Of Ministry Of Defence (Navy), New Delhi 110011
3. The Principal Controller Of Defence Accounts (Navy) 1st Floor, A Block, Defence Office Complex, Africa Avenue, New Delhi 110023

--- **Respondent(s)**

For Petitioner	:	Mr. Kunal Das, Advocate
For Respondents	:	Mr. Triveni Shankar Sahu, Central Govt. Counsel

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge**Order on Board****23/03/2026**

1. Petitioner has filed this writ petition seeking following reliefs.

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authority to set aside/quashed the impugned order dated 15/03/2024 passed by the Medical Board fixed the 13% disability of the petitioner.

10.2 That this Hon'ble court may kindly be pleased to call for entire service records of the petitioner for kind perusal of this Hon'ble Court.

10.3 That this Hon'ble Court may kindly be pleased to direct the respondent to decide the case of the petitioner as per old prevailing rule GMO 2008 for fixing the correct disablement percentage over the petitioner i.e. 30%.

10.4 That this Hon'ble Court may kindly be pleased to direct the respondent to grant the interest over the petitioner's case for the disability pension not granted by the wrong fixation of law as a penalty.

10.5 Any other relief, which is deemed fit and proper may also be awarded along with the cost of the petition. An affidavit in support of this petition is filed herewith.”

2. Learned counsel for petitioner submits that petitioner while working on the post of Medical Officer, Indian Navy suffered from accidental injuries in the year 2021. Petitioner thereafter submitted an application for grant of impairment relief, however, said application was rejected vide Annexure P-2 dated 28.05.2024 without considering medical documents and the proceeding of the Medical Board in appropriate manner.
3. Learned counsel for the respondents would submit that grievance of petitioner is that the claim of petitioner for grant of impairment relief has been erroneously rejected. In the letter Annexure P-2 (decision on the claim of petitioner), it is clearly mentioned that if the petitioner is not satisfied with the decision taken he could prefer an appeal to the Appellate Committee on First Appeal (ACFA) within six months. However, petitioner has not submitted appeal as mentioned in the rejection order and filed this writ petition directly.
4. I have heard learned counsel for the parties and also perused the documents placed on record.

5. Grievance of petitioner is that petitioner suffered with disability while in service but accordingly petitioner submitted an application for grant of impairment relief. Claim of petitioner is that petitioner is entitled for self benefit under GMO, 2023, which is under the heading of "PRESS BRIEF ON ENTITLEMENT RULES FOR CASUALTY PENSION AND DISABILITY COMPENSATION AWARDS TO ARMED FORCES PERSONNEL (ER) 2023 AND GUIDE TO MEDICAL OFFICERS (MILITARY PENSIONS) GMO, 2023". The order Annexure P-4 by which claim of petitioner is rejected, it is specifically mentioned that there is remedy of appeal to the petitioner before the appellate committee on First Appeal to which petitioner has not availed.
6. In the aforementioned facts of the case where the petitioner is having in-house remedy of appeal, I am not inclined to entertain this petition. However, this writ petition is disposed of permitting the petitioner to submit appeal before the Appellate Committee under First Appeal within a period of 03 weeks and if such an appeal is submitted the concerned appellate authority shall consider and decide the appeal to be preferred by petitioner, on merits, in accordance with law, expeditiously, preferably within a further period of 04 months from the date of receipt of appeal.
7. Accordingly, this writ petition is disposed of, with the aforesaid observation and direction.

Sd/-

(Parth Prateem Sahu)
Judge