

8η Μαΐου 1982

[ΜΑΛΛΑΧΤΟΣ, Δ.]

ΕΠΙ ΤΟΙΣ ΑΦΟΡΩΣΙ ΤΟ ΑΡΘΡΟΝ 146 ΤΟΥ ΣΥΝΤΑΓΜΑΤΟΣ

ΧΡΙΣΤΑΚΗΣ ΡΟΤΣΙΔΗΣ,

Αίτητής.

κατά

ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΗΣ ΚΥΠΡΟΥ
ΔΙΑ ΤΟΥ ΥΠΟΥΡΓΕΙΟΥ ΤΩΝ ΟΙΚΟΝΟΜΙΚΩΝ ΩΣ
ΕΚΠΡΟΣΩΠΟΥΝΤΟΣ ΤΗΝ ΕΠΙΤΡΟΠΗΝ ΖΗΜΙΩΘΕΝΤΩΝ
ΚΑΙ ΠΑΘΟΝΤΩΝ

Καθ' ὧν ἡ αίτησις.

('Υπόθεσις ὑπ' ἀρ. 428/73).

Οἱ περὶ Ταμείου Συντάξεων καὶ Ἐκτάκτων Ἐπιδομάτων τῶν ἐκ τῶν Πεσόντων καὶ τῶν Θυμάτων τοῦ Ἀγῶνος Ἐξαρτωμένων καὶ Ἀναπήρων Αὐτοῦ Νόμων τοῦ 1962-1972—Ἐπιτροπὴ συσταθεῖσα δυνάμει αὐτῶν—Βασισθεῖσα ἐπὶ ἐκθέσεως Ἰατρικοῦ Συμβουλίου ὀρθῶς ἀπεφάσισεν ὅτι ὁ αίτητής δὲν ἠδύνατο νὰ χαρακτηρισθῆ ὡς ἀνάπηρος διὰ τοὺς σκοποὺς τῶν ὡς ἄνω νόμων. 5

Ἡ προσφυγὴ αὕτη ἐστρέφετο κατ' ἀποφάσεως τῆς Ἐπιτροπῆς Ἀνακουφίσεως Παθόντων διὰ τῆς ὁποίας ἡ Ἐπιτροπὴ, ἀφοῦ ἔλαβε ὑπ' ὄψιν σχετικὴν γνωμάτευσιν Ἰατρικοῦ Συμβουλίου, ἀπεφάσισεν ὅτι ὁ αίτητής δὲν ἠδύνατο νὰ θεωρηθῆ ὡς ἀνάπηρος διὰ τοὺς σκοποὺς τῶν Περὶ Ταμείου Συντάξεων καὶ Ἐκτάκτων Ἐπιδομάτων τῶν ἐκ τῶν Πεσόντων καὶ τῶν Θυμάτων τοῦ Ἀγῶνος Ἐξαρτωμένων καὶ Ἀναπήρων Αὐτοῦ Νόμων τοῦ 1962-1972. 10 15

ΤΟ ΔΙΚΑΣΤΗΡΙΟΝ ΕΚΡΙΝΕΝ ΟΤΙ:

Ἡ Ἐπιτροπὴ ὀρθῶς ἐστηρίχθη ἐπὶ τῆς ἐκθέσεως τοῦ Ἰατρικοῦ Συμβουλίου τῆς 12ης Ἰουλίου 1973 καὶ ὀρθῶς ἀπέρριψε τὴν αίτησιν τοῦ αίτητοῦ διὰ χορήγησιν εἰς αὐτὸν συντάξεως. Ἐπομένως ἡ προσφυγὴ τοῦ αίτητοῦ ἀπορρίπτεται. 20

Ἡ Προσφυγὴ ἀπορρίπτεται.

Editor's note: An English translation of this judgment appears at pp. 694-697 *post*.

Προσφυγή.

Προσφυγή κατά τῆς ἀποφάσεως τῶν καθ' ὧν ἡ αἴτησις δι' ἧς ἀπερρίφθη ἡ αἴτησις τοῦ αἰτητοῦ διὰ χορήγησιν εἰς αὐτὸν συντάξεως, δυνάμει τῶν περὶ Ταμείων Συντάξεων καὶ Ἐκτάκτων Ἐπιδομάτων Νόμων 1962-1972.

Ὁ αἰτητὴς παρουσιάσθη αὐτοπροσώπως.

Σ. Νικολαΐδης, Ἀνώτερος Δικηγόρος τῆς Δημοκρατίας, διὰ τοὺς καθ' ὧν ἡ αἴτησις.

ΜΑΛΑΧΤΟΣ Δ.: Ὁ αἰτητὴς ἐγεννήθη ἐν Λεμεσῶ τὴν 14ην Σεπτεμβρίου 1939, καὶ κατά τοὺς ἰσχυρισμοὺς τοῦ οὗτος ἐτραυματίσθη κατά τὴν διάρκειαν τοῦ ἀπελευθερωτικοῦ ἀγῶνος τῆς "ΕΟΚΑ", ἐνῶ μετέφερε ἐκρηκτικὰς ὕλας λόγω πτώσεως του ἐκ ποδηλάτου καὶ ἐνῶ προσεπάθη νὰ ἀποφύγη σύλληψιν του ὑπὸ τῶν Ἀγγλων. Συμφώνως πρὸς ἔκθεσιν τοῦ Ἰατρικοῦ Συμβουλίου, ἡμερομηνίας 24 Ἰουλίου 1961, οὗτος δὲν παρουσίαζε οἰανδήποτε ἀναπηρίαν, πλὴν ὅμως διεπιστώθη ὅτι ἔπασχε ἐξ ἀριστερᾶς κίρσοκῆλης καὶ τοῦ συνεστήθη νὰ ὑποβληθῆ εἰς χειρουργικὴν ἐπέμβασιν, ἡ δὲ Ἐπιτροπὴ Ἀνακουφίσεως Παθόντων δι' ἀποφάσεως ἡμερομηνίας 2ας Αὐγούστου, 1961, ἀπέστειλε αὐτὸν δι' ἐγχείρισιν κίρσοκῆλης, φροντίδι τοῦ Δρ. Μ. Τριτοφτίδη, εἰς Λεμεσό.

Ἀπὸ τοῦ ἔτους 1961 μέχρι τοῦ ἔτους 1964 παρεσχέθησαν εἰς αὐτὸν εἰς ἕξι περιπτώσεις ὑπὸ τῆς Ἐπιτροπῆς Ἀνακουφίσεως Παθόντων διάφορα ποσὰ, ἀπὸ πέντε μέχρι τριάντα λίρας, ἕκαστον, δι' ἰατροφαρμακευτικὴν περίθαλψιν. Κατὰ τὸ ἔτος 1969 ὁ αἰτητὴς ὑπέβαλε αἴτησιν διὰ συνταξιοδότησιν δυνάμει τοῦ Περὶ Ταμείων Συντάξεων καὶ Ἐκτάκτων Ἐπιδομάτων τῶν ἐκ τῶν Πεσονόντων καὶ τῶν Θυμάτων τοῦ Ἀγῶνος Ἐξαρτωμένων καὶ τῶν Ἀναπήρων Αὐτοῦ Νόμου, τοῦ 1962, συμφώνως δὲ πρὸς ἔκθεσιν τοῦ Ἰατρικοῦ Συμβουλίου, ἡμερομηνίας 20 Φεβρουαρίου 1970, οὗτος εὐρέθην προσωρινῶς ἀνίκανος δι' ἀσκησην οἰασδῆποτε ἐργασίας. Ὅμως ὀλίγας ἡμέρας ἀργότερα, ἤτοι τὴν 31ην Μαρτίου 1970, τὸ ἴδιον Ἰατρικὸν Συμβούλιον, προφανῶς ἐν τῇ ἐπιθυμίᾳ του νὰ πεισθῆ πέραν πάσης ἀμφιβολίας ἀναφορικῶς πρὸς τὴν ἀναπηρίαν τοῦ αἰτητοῦ, παρέπεμψε αὐτὸν εἰς τὸν Εἰδικὸν Νευροχειροῦργο Ἰατρὸν Ν. Σπανὸν διὰ γνωμοδότησιν. Τὴν 20ην Ἰουνίου 1970, οὗτος ἐξητάσθη καὶ πάλιν ὑπὸ τοῦ Ἰατρικοῦ Συμβουλίου, τὸ ὅποιο συνέστησε εἰσαγωγὴν του εἰς τὸ Γενικὸν Νοσοκομεῖον, Λευκωσίας διὰ περαιτέρων ἔρευναν διὰ νὰ δυνηθῆ ὅπως τοῦτο λάβῃ ὀριστικὰς ἀποφάσεις. Ἡ Ἐπιτροπὴ Ἀνακουφίσεως Παθόντων λαβούσα 40 ὑπόψιν τὴν ὡς ἄνω ἰατρικὴν γνωμάτευσιν τῆς 20ης Ἰουνίου 1970,

ὑπέδειξε εἰς τὸν αἰτητὴ ὅτι πρὸ τῆς λήψεως οἰασδῆποτε ἀποφάσεως ὑπ' αὐτῆς, οὗτος θὰ ἔδει νὰ συμμορφωθῆ πρὸς τὴν ἀπόφαση τοῦ Ἱατρικοῦ Συμβουλίου, οὕτως ὥστε ἡ Ἐπιτροπὴ νὰ εἶναι εἰς θέσιν νὰ ἀποφανθῆ περὶ τοῦ ποσοστοῦ ἀναπηρίας αὐτοῦ καὶ ἀκολούθως νὰ ἀποφασίσῃ διὰ τὴν συνταξιοδότησιν του.

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Ἀπὸ τοῦ ἔτους 1970 μέχρι τοῦ 1973, ὁ αἰτητὴς ἀπουσίαζε εἰς τὸ ἐξωτερικὸ καὶ παρέλειπε νὰ προσέλθῃ καὶ νὰ εἰσαχθῆ εἰς τὸ Γενικὸ Νοσοκομεῖο, ὡς συνεστήθη εἰς αὐτὸν. Μετὰ τὴν ἐπάνοδον τοῦ αἰτητοῦ ἐκ τοῦ ἐξωτερικοῦ, τὸ Ἱατρικὸ Συμβούλιο ἐπελήφθη ἐκ νέου τῆς ὑποθέσεως τοῦ αἰτητοῦ καὶ τὴν 12ην Ἰουλίου 1973, ἐξέδωσε τὴν ἀκόλουθον ἱατρικὴ γνωμάτευση.

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“Οὗτος παρουσιάζει παραμόρφωσιν τῆς σπονδυλικῆς στήλης μετὰ σκολιῶσεως καὶ χρονίας δυσκοπαθείας ἣτις συμφώνως γνωματεύσεως τοῦ ἐιδικοῦ Νευροχειρουργοῦ εὑρίσκεται ἐν ὑφέσει.

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Ἡ Ἐπιτροπὴ μετὰ ἀπὸ ἐνδελεχῆ μελέτην τοῦ ἱστορικοῦ του καὶ ἐκτίμησιν τῶν ἀντικειμενικῶν τῆς εὐρημάτων καὶ προηγουμένων ἱατρικῶν ἐκθέσεων, εἶναι τῆς γνώμης ὅτι αἱ ὀστικαὶ ἀλλοιώσεις καὶ ἡ παραμόρφωσις τῆς σπονδυλικῆς στήλης δὲν εἶναι δυνατὸν ἀντικειμενικῶς ἐκτιμῶμενα νὰ ἀποδοθῶν εἰς τὴν ὑπ' αὐτοῦ ἀναφερομένην πτώσιν ἐκ ποδηλάτου. Ἡ πάθησις αὐτοῦ ὡς καὶ ἡ ἐν γένει συμπτωματολογία του εἶναι προιούσης καὶ ἐξελικτικῆς φύσεως παρουσιάζουσα ἐναλλασσόμενα στάδια ἐξάρσεως καὶ ὑφέσεως αὐτῆς.

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Ὁ αἰτητὴς δὲν ἠκολούθησεν εἰς τὸ παρελθὸν τὴν εἰς αὐτὸν συσταθεῖσαν ἐνδεδειγμένην θεραπευτικὴν ἀγωγὴν ὑπὸ τοῦ ἐιδικοῦ Νευροχειρουργοῦ, ἡ δὲ ἀμέλεια του αὕτη δυνατὸν νὰ συνέτεινε εἰς τὴν σημερινὴν ἐξέλιξιν τῆς συμπτωματολογίας του

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Ἐν περιπτώσει νέας ἐξάρσεως τῆς συμπτωματολογίας του οὗτος δέον ὅπως ἀποφασίσῃ καὶ δεχθῆ τὴν ἐπιβαλλομένην θεραπευτικὴν ἀγωγὴν”

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Ἡ Ἐπιτροπὴ Ἀνακουφίσεως Παθόντων, λαβοῦσα ὑπόψιν τὴν ὡς ἄνω ἱατρικὴ γνωμάτευση ἀπεφάσισεν ὅτι ὁ αἰτητὴς δὲν δύναται νὰ χαρακτηρισθῆ ὡς ἀνάπηρος διὰ τοὺς σκοποὺς τῶν Περὶ Ταμείου Συντάξεων καὶ Ἐκτάκτων Ἐπιδομάτων τῶν ἐκ τῶν Πεσότων καὶ τῶν Θυμάτων τοῦ Ἀγῶνος Ἐξαρτωμένων καὶ Ἀναπήρων Αὐτοῦ Νόμων τοῦ 1962-1972, καὶ ἀπέρριψε τὴν αἴτησιν αὐτοῦ. Ἡ τοιαύτη ἀπόφασις τῆς Ἐπιτροπῆς ἐγνωστοποιήθη εἰς τὸν αἰτητὴν

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δι' έπιστολής της ήμερομηνίας 26 'Ιουλίου 1973. Έναντίον τής ρηθείσης άποφάσεως ό αίτητής κατεχώρησε τήν παρούσαν προσφυγήν και έξαιτεΐται παρά του Δικαστηρίου, ώς αναφέρεται έν αύτῇ, τήν άκόλουθον θεραπείαν.

- 5 Δήλωσιν του Δικαστηρίου ότι ή πράξις και/ή άπόφασις τών καθ' ών ή αίτησις όπως άπορρίψουν αίτησιν του αίτητου διά χορήγησιν είς αυτόν συντάξεως, δυνάμει τών περι Ταμείου Συντάξεων και Έκτάκτων Έπιδομάτων Νόμων 1962-1972 είναι άκυρος και έστερημένη οίουδήποτε νομικού άποτελέσματος.
- 10 Τά νομικά σημεία επί τών όποιων βασίζεται ή παρούσα προσφυγή είναι τά εξής:
1. 'Η ώς άνω πράξις και/ή άπόφασις έλήφθη κατά παράβασιν τών σχετικών διατάξεων τών περι Ταμείου Συντάξεων και Έκτάκτων Έπιδομάτων Νόμων 1962-1972.
 - 15 2. 'Η προσβαλλόμενη πράξις και/ή άπόφασις έλήφθη άνευ έπαρκούς ή οίασδήποτε έρεύνης τών ειδικών περιστατικών τής ύποθέσεως.
 3. 'Η προσβαλλόμενη πράξις έλήφθη ύπό συνθήκας ίσοδυναμούσας πρós ύπέρβασιν ή κατάχρησιν έξουσίας, και
 - 20 4. Διά τής ώς άνω πράξεως και/ή άποφάσεως οί καθ' ών ή αίτησις προέβησαν είς πλημμελή άσκησιν τής διακριτικής αύτών έξουσίας.

Κατά τήν άκρόασιν τής ύποθέσεως ό αίτητής ύπέβαλε είς τό Δικαστήριο ότι, συμφώνως του περι Ταμείου Συντάξεως και Έκτάκτων Έπιδομάτων τών έκ τών Πεσόντων και τών Θυμάτων του

25 'Αγώνος Έξαρτωμένων και Αναπήρων Αυτού Νόμων, 1962-1972, Άρθρα 3(1), 3(4), 6(1), 7(1), 11(2) και 21, τό γεγονός ότι έλάμβανε βοήθεια διά ίατροφαρμακευτική περίθαλψη από τήν Έπιτροπή Ανακουφίσεως Παθόντων πρò και μετά τήν ψήφισιν τών

30 ώς άνω Νόμων, άποδεικνύει ότι άνεγνωρίσθη ύπό τής ρηθείσης Έπιτροπής ώς ανάπηρος και ώς έκ τούτου δικαιούται είς χορήγησιν συντάξεως. Επίσης ό αίτητής ύπέβαλε ότι ή παραπομπή του πρós έξέτασιν ύπό του 'Ιατρικού Συμβουλίου τόν 'Ιούλιον του 1973, έγινετο διά νά διαπιστωθῇ μόνον ό βαθμός άναπηρίας

35 του, καθότι έθεωρείτο ήδη ύπό τής Έπιτροπής ώς άνάπηρος δυνάμει τών προνοιών του σχετικού Νόμου.

Κατά τη γνώμη μου, τά ώς άνω αναφερόμενα άρθρα του Νόμου ούδόλως ύποστηρίζουν τήν είσήγησιν του αίτητου ότι πρέπει νά θεωρηθῇ ώς άνάπηρος.

Ἐκ τοῦ φακέλλου τῆς ὑποθέσεως ὁ ὁποῖος παρουσιάσθη εἰς τὸ δικαστήριον εἶναι φανερὸ ὅτι τὰ χρηματικὰ ποσὰ τὰ ὁποῖα παρεχωρήθησαν κατὰ καιροὺς εἰς τὸν αἰτητὴν κατόπιν αἰτήσεως αὐτοῦ διὰ βοήθειαν ὑπὸ τῆς Ἐπιτροπῆς, ἐδόθησαν χαριστικῶς (ex gratia) καὶ οὐδέποτε ἢ ρηθεῖσα Ἐπιτροπὴ ἀνεγνώρισε τὸν αἰτητὴν ὡς ἀνάπηρον δυνάμει τῶν προνοιῶν τῶν σχετικῶν Νόμων. Ἐπίσης ὡς προκύπτει ἐκ τοῦ φακέλλου, ἡ παραπομπὴ τοῦ αἰτητοῦ πρὸς ἐξέτασιν ὑπὸ τοῦ Ἰατρικοῦ Συμβουλίου τὸν Ἰούλιο τοῦ 1973, δὲν ἐγένετο διὰ νὰ διαπιστωθῇ μόνον ὁ βαθμὸς ἀναπηρίας αὐτοῦ. Ἡ Ἐπιτροπὴ οὐδέποτε ἐδέχθη ὡς ὀρθοὺς τοὺς ἰσχυρισμοὺς τοῦ αἰτητοῦ ὅτι ἡ πάθησις του προῆλθε ἐκ πτώσεως ποδηλάτου

Τέλος ἡ Ἐπιτροπὴ ὀρθῶς ἐστηρίχθη ἐπὶ τῆς ἐκθέσεως τοῦ Ἰατρικοῦ Συμβουλίου τῆς 12ης Ἰουλίου 1973 καὶ ὀρθῶς ἀπέρριψε τὴν αἴτησιν τοῦ αἰτητοῦ διὰ χορήγησιν εἰς αὐτὸν συντάξεως.

Διὰ τοὺς ὡς ἄνω λόγους ἡ προσφυγὴ τοῦ αἰτητοῦ ἀπορρίπτεται χωρὶς διαταγὴ ὡς πρὸς τὰ ἔξοδα.

Προσφυγὴ ἀπορρίπτεται. Οὐδεμία διαταγὴ ὡς πρὸς τὰ ἔξοδα.

This is an English translation of the judgment in Greek appearing at pp. 690–694 ante.

Dependants of Persons who were killed in, and of Victims of the Struggle and Persons Incapacitated therein (Pensions and Extraordinary Allowances Fund) Laws 1962–1972—Committee established thereunder—Properly found, by relying on report of Medical Board, that applicant could not be considered as incapacitated for the purposes of the above Laws.

This recourse was directed against the decision of the Committee, established under the Dependants of Persons who were killed in, and of Victims of the Struggle and Persons Incapacitated therein (Pensions and Extraordinary Allowances Fund) Laws, 1962–1972, which, after taking into consideration the report of the Medical Board, decided that applicant could not be considered as incapacitated for the purposes of the above Laws.

Held, that the Committee properly relied on the report of the Medical Board and properly rejected applicant's application for the grant of pension to him; accordingly the recourse should fail.

Application dismissed.

Recourse.

Recourse against the decision of the respondents rejecting applicant's application for pension.

Applicant appeared in person.

- 5 *S. Nicolaidis*, Senior Counsel of the Republic, for the respondents.

Cur. adv. vult.

10 *MALACHTOS J.* read the following judgment. The applicant was born in Limassol on the 14th September, 1939 and according to him, he was injured during the EOKA struggle when he fell off his bicycle in his effort to avoid capture by the English troops, while carrying explosives. According to the report of the Medical Board dated 24th July 1961 he had no disability but, as it was diagnosed he suffered from varicoccle for which
15 he was advised to undergo surgery; the respondent Committee decided on the 2nd August, 1961 to refer him to Dr. M. Tritoftides in Limassol to be operated upon for the varicocele.

On six occasions from 1961 to 1964 the applicant received amounts ranging from £5.- to £30.- each time for medical treat-
20 ment and medicines. In 1969 he applied for a pension under the Dependants of Persons who were killed in, and of victims of the Struggle and Persons Incapacitated therein (Pensions and Extraordinary Allowances Fund) Law of 1962 (hereinafter called the Law) and according to a report dated 20.2.70 of the
25 Medical Board he was found to be temporarily incapacitated for for any type of work. However, a few days later, on the 31st March 1970, the same Medical Board, presumably in their desire to satisfy themselves beyond any doubt as regards the applicant's disability, referred him to Dr N. Spanos, Specialist
30 Neurosurgeon, for his opinion. On the 20th June, 1970, he was re-examined by the Medical Board which recommended his admittance into the Nicosia General Hospital for further investigation, to enable them to reach their final conclusion. The Committee after considering the above recommendations
35 of the Board of the 20.6.70, advised the applicant that, before they reach any decision, he ought to comply with the recommendations of the Medical Board to enable them thus to decide on the extent of his disability and his eligibility for a pension.

40 The applicant was absent abroad from 1970 to 1973, he therefore did not enter the Hospital, as advised. Upon his

return from abroad, the Medical Board reconsidered his case afresh and on the 12th July 1973 gave the following opinion:

“He has deformation of the spine with scoliosis and cranic disc lesion which according to the opinion of the specialist neurosurgeon is in remission. 5

The Board after serious consideration of his case history, in view of its objective findings and previous medical reports, is of the opinion that the bones changes and deformation of the spine cannot objectively be attributed to the fall from a bicycle he refers to. His affliction as well as his symptoms generally are of an advancing and progressing nature which show alternative periods of relapse or remission. 10

The applicant, in the past, did not follow the medical treatment recommended by the Specialist Neurosurgeon and it is possible that his failure has contributed to the present developmnet of his condition. 15

In the event of a new relapse in his condition he must follow the recommended treatment.”

The Committee, having taken into consideration the above medical report, decided that the applicant could not be termed as a disabled person for the purposes of the Law and rejected his application. The applicant was notified of this decision of the Committee by their letter of the 26th July, 1973 against which decision he filed the present recourse claiming the following relief: 20 25

Declaration of the Court that the act and/or decision of the respondents to rject his application for a pension under the Law is null and void and of no legal effect whatsoever.

The present recourse is based on the following grounds of law: 30

- (1) That the aforesaid act and/or decision was taken in contravention of the relevant provisions of the Law.
- (2) That the sub judice act and/or decision was taken without due or any inquiry into the special circumstances of the case. 35

(3) That the sub judice decision was taken in circumstances amounting to excess or abuse of powers.

(4) That by the aforesaid act and/or decision the respondents have exercised their discretion in a defective manner.

5 During the hearing of the case the applicant submitted that in accordance with sections 3(1), 3(4), 6(1), 7(1), 11(2) and 21 of the Law, the fact that he had been in receipt of financial assistance for medical treatment and medicines from the Committee before and after the coming into effect of the above Laws,
10 is an indication that he had been accepted as a disabled person by the said Committee, consequently he is entitled to be granted a pension. Furthermore the applicant submitted that he had been referred to the Medical Board in July 1973 for the sole purpose of ascertaining the degree of his disability, since he
15 was already regarded as a disabled person according to the relevant Law.

It is my view that the aforesaid sections of the Law in no way support the suggestion of the applicant that he is to be considered as disabled.

20 From the file of the case which was produced as exhibit 1, it is apparent that the amounts of money given to the applicant at various times by the Committee, were given to him on an ex-gratia basis and that the said Committee never accepted the applicant as a disabled person under the provisions of the
25 relevant laws. It also transpires from the file that the applicant had been referred to the Medical Board in July, 1973 not only for ascertaining the degree of his disability. The Committee never accepted as true his allegations that his condition was the result of a fall from a bicycle.

30 Finally the Committee were correct to rely on the report of the Medical Board of the 12th July, 1973 and to reject the application of the applicant for a pension.

For the aforesaid reasons, the recourse fails with no order as to costs.

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Recourse dismissed. No order as to costs.