

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 4 of 2018 Inre : O.A. No. 212 of 2015

Ex. Hav. Jugendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri K.K. Misra, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that in compliance of the order dated 28.07.2017 in Original Application No. 212 of 2015 Re-Survey Medical Board (RSMB) was held on 06.12.2017 and despite disability being found 30% for life no Corrigendum P.P.O. has been issued. He further submits that applicant had the same disability with same percentage when the Original Application was allowed and in view of which respondents have no reason to not issue Corrigendum P.P.O.</p> <p>In reply, Ld. Counsel for the respondents submits that applicant's disability being Nil for life in RSMB held on 06.12.2017 applicant is not entitled to disability pension any further.</p> <p>We have gone through the order dated 28.07.2017 in Original Application No. 212 of 2015 and also the RSMB report dated 06.12.2017 wherein applicant's disability being 30% has been treated Nil for life by the RSMB. On perusal of order it appears that applicant had the same disability with same percentage when he was discharged from service and being denied disability pension on the reason disability being not attributable to or aggravated by military service he had filed Original Application for the grant of disability pension which was allowed and respondents were directed to grant disability pension to the applicant @30% to be rounded off to 50% for a period of two years with direction to hold fresh RSMB to assess further disability, if any. We are surprised to note that despite same disability being found in RSMB with same percentage the medical board has treated disability Nil for life with the result Corrigendum P.P.O. has not been issued. This act of the respondents treating applicant's disability Nil for life despite the same being found @30% in RSMB is highly improper. Therefore, respondents are directed</p>

to issue Corrigendum P.P.O. to the applicant granting him disability pension @30% to be rounded off to 50% for life within two weeks from today failing which OIC Records, AMC shall remain physically present in Court on the next date fixed to explain the reason for non-compliance.

Respondents are further directed to deposit the cost due against them by the next date fixed failing which they shall be liable to pay Rs.5,000/- as additional cost to the applicant.

List on **06.01.2022**.

Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

