

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

O.A. No 515 of 2019

Rect Vishal 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>10.08.2021</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 the applicant Rect Vishal Singh in person and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>Applicant was enrolled in the army on 22.10.2018. After completion of basic training, he was granted one month leave from 24.03.2019 to 23.04.2019. While on leave on 18.04.2019 cattle stepped over the right foot of applicant. After taking first aid, applicant was treated at Base Hospital, Lucknow. Applicant was placed in low medical category A-3 (T-8) by the medical board. Finally the applicant was invalided out of service from 10.07.2019. Being aggrieved, applicant has filed instant O.A.</p> <p>Applicant submitted that he was treated in Base Hospital Lucknow. On 10.05.2019, he was advised to undergo surgery for the injury "OPEN FRACTURE PROXIMAL (RT) FOOR FIFTH TOE (GRADE-1)" but he declined to undergo surgery, further he was placed in low medical category. On 10.07.2019 his invaliding medical board was held and he was discharged from service. He submitted that he was medically fit for duty but respondents have wrongly discharged him because he refused to undergo surgery. He pleaded that a fresh re-survey medical board be held to assess his medical condition and if found fit then he may be permitted to join service.</p> <p>Per Contra, learned counsel for the respondents has submitted that after availing leave, applicant was treated in Base Hospital Lucknow and was advised to undergo surgery but he refused to do so. He was not in a position to wear shoes. His Invaliding Medical Board was held and applicant was discharged from service. He pleaded that instant O.A. is devoid of merit and deserves to be dismissed.</p>

We have heard learned counsel for the parties and perused the record.

We find that applicant is a young soldier and he was recruited in Sweeper Trade. He has successfully completed his basic military training. He is willing to serve in the army and he claims that he is fit to serve in the army.

Keeping in view the future of the young trained soldier, respondents are directed to conduct a fresh re-survey medical board of the applicant to assess his present physical condition.

Accordingly, Respondents are directed to conduct a fresh re-survey medical board of the applicant within one month from today to ascertain whether applicant is fit for service in the army. Respondents shall intimate the date of fresh medical board and application shall appear before medical board at Base Hospital, Lucknow on the date fixed for assessing his medical condition. If the applicant is found fit, he shall be permitted to join his duty.

Copy of this order be provided to learned counsel for the respondents for processing the case.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-

