

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 14 of 2016

Smt Bhagwati Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.09.2016</u></p> <p><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Dr. Chet Narayan Singh, Advocate files memo of appearance on behalf of the respondents, which is taken on record.</p> <p>Present: Dr. Chet Narayan Singh, learned counsel for the respondents alongwith Col SK Varshney and Lt Nisha Thomas, Departmental representatives.</p> <p>This case has been received by transfer from Hon'ble Allahabad High Court and registered as Transfer Application. The office report dated 14.09.2016 indicates that notice issued to applicant Smt. Bhagwati Devi has been received back with the remark- "PRAPTKARTA KI MRITYU HO GAEE, VAAPAS" (Addressee has died, hence returned.)</p> <p>In view of above, this Transfer Application abates. Let it be consigned to records.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 433 of 2012

Ram Sajiwan
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.09.2016</u></p> <p><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri OP kushwaha, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Sgt Pradeep Kumar, Departmental representative.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">In pursuance of the order of this Court dated 08.09.2016, Lt Col Vikram Kumar Dutta (Psychiatric) from Command Hospital, Lucknow is present.</p> <p style="text-align: center;">We have gone through the petition. While hearing the learned counsel for the parties, it comes out that the applicant was enrolled in the Indian Air Force on 25.11.1969 and was put in category CEE (T-24) on 6.11.1998 for Alcohol Dependence Syndrome. Again on 28.4.1999 and subsequently on 8.11.1999 and 11.5.2000, he remained in low medical category because of Alcohol Dependence Syndrome and was upgraded to category AYE on 5.1.2001. Thereafter he was put in category CEE (T-24) for Unspecified Psychosis. In the Release Medical Board on 27.2.2001, again he was in category CEE (P) for Unspecified Psychosis. The Medical Board considered his disability as neither attributable to nor aggravated by service and percentage of disability was assessed as 15 to 19% for five years. Apparently no Review Medical Board has been held after lapse of five years.</p> <p style="text-align: center;">On enquiry by the Court about the reason for Unspecified Psychosis to the applicant, Lt Col Vikram Kumar Dutta stated that from the perusal of medical documents available on record, it is difficult to gauge whether Unspecified Psychosis was due to Alcohol Dependence or some other reason as also reason for upgradation of category on 5.1.2001 to category AYE and subsequently downgrading to CEE (P) T-24 on the same day is not</p>

very clear. He also stated that he is not aware about the reason for not holding the Medical Board after five years. As such, conduct of Review Medical Board is essential to find out the details for adjudication of this case.

We, therefore, direct that Review Medical Board of the applicant be held by the respondents within a period of four months. On the next date, report of the Board be filed by the respondents alongwith a supplementary affidavit.

List this case for further hearing on **05.02.2017**.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

LN/

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 686 of 2010

Jagdish Prasad

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.09.2016</u></p> <p><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Col SK Varshney and Lt Nisha Thomas, Departmental representatives.</p> <p>It has been informed that Shri D.K.Pandey, learned Standing Counsel for the respondents has not come to the Court due to some problem in his family.</p> <p>In pursuance of the order of this Court dated 25.08.2016, Shri Mrityunjai Kumar, Assistant Accounts Officer, PCDA (P), Allahabad is present. He states that as directed by this Court vide order dated 14.07.2016, a detailed affidavit on behalf of PCDA (P) Allahabad has already been given to Shri D.K.Pandey, but the same does not appear to have been filed.</p> <p>Since Shri D.K.Pandey, learned Standing Counsel for the respondents is not present, we, therefore, direct that this case be listed for hearing on 04.10.2016 before the appropriate Court having jurisdiction as per roster of that date. Shri Mrityunjai Kumar, Assistant Accounts Officer, PCDA (P), Allahabad shall again appear on the said date alongwith the record.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>