

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 16)

O.A. No. 714 of 2023 with M.A. No. 866 of 2023

Ex Nk Udai Bir Singh

By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Shri Yogesh Kesarwani, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.11.2024</u> <u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the applicant submitted that applicant was enrolled in the Army on 13.07.1971 and was discharged from service in low medical category on 28.02.1986. He was granted disability @ 20% till 1998. Thereafter he underwent Re-Survey Medical Board in the year 2004 and his disability was assessed between 15 – 19% and his claim for grant of disability pension was denied. Then the applicant represented his case through Records Office vide letter dated 28.07.2023 for conducting fresh Review Medical Board.</p> <p>3. In the meantime, the applicant filed instant O.A. with the prayer to issue directions to respondents for conducting his fresh Review Medical Board. In this O.A., Counter affidavit was filed and learned counsel for the applicant was granted time to file rejoinder affidavit but before filing rejoinder affidavit, an amendment application was moved by the applicant and time was granted to respondents to file objections, if any, but objection has not been filed.</p> <p>4. We have heard learned counsel for the parties on amendment application and perused the record.</p>

5. This amendment application has been filed for assailing the order dated 30.10.2023 passed during pendency of this O.A. by which prayer of the applicant to hold Review Medical Board was rejected by the respondents. By means of this Amendment Application, applicant wants to add relief against order dated 30.10.2023 and other consequential amendments.

6. Learned counsel for the respondents has opposed and argued that counter affidavit has been filed, hence amendment cannot be permitted and amendment application is liable to be dismissed.

7. We have perused the Amendment Application and find that amendment sought to be made will not change the nature of the case. Considering that amendment sought to be made is relevant and necessary for adjudication of the matter, we are of the view that there is sufficient ground to allow the amendment application.

8. Accordingly, we allow the amendment application and direct applicant to carry out the amendments within three weeks. After carrying out amendment, learned counsel for the applicant shall provide a copy of amended O.A. to learned counsel for the respondents who may file supplementary counter affidavit, if any.

9. List on **27.02.2025**.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Anil Kumar)
Member (J)

UKT/-