

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

**Court No.1 (E. Court)**

**O.A. No. 358 of 2019**

**Col Ravindra Kumar Ravi (Retd)**  
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><b><u>02.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Shri Yashpal Singh, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>2. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-</p> <p style="padding-left: 40px;">“(a) Issue/pass an order or direction setting aside the order/letter dated 08.11.2016, order/letter dated 02.07.2018 and order/letter dated 15.03.2019 passed/issued by Additional Director General Personnel Services, Appellate Committee of First Appeal and Second Appellate Committee on Pension respectively, rejecting the claim of the applicant for grant of disability pension for the disabilities ‘Impaired Glucose Tolerance’ and ‘Dyslipidemia’, after summoning the relevant original records; and directing the respondents to reconsider and grant disability pension for the disabilities ‘Impaired Glucose Tolerance’ and ‘Dyslipidemia’ extending the benefit of rounding off from the date of retirement including arrears thereof with interest.</p> <p style="padding-left: 40px;">(b) Issue/pass any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.</p> <p style="padding-left: 40px;">(c) Allow this Original Application with cost”.</p> <p>3. Brief facts of the case are that the applicant was commissioned in the Army on 24.12.1982. The applicant superannuated on 31.03.2016 in low Medical Category ‘P2 (permanent)’. The Release Medical Board (RMB) held on 04.03.2016 at Military Hospital, Danapur assessed his disabilities (i) <b>IGT @</b></p>

15-19%, (ii) **DYSLIPIDEMIA** @ 6-10%, (iii) **OBESITY** @ 01-05% neither attributable to nor aggravated by service and (iv) **CAD** @ 30% for life aggravated by military service. The applicant is in receipt of rounded off disability element for disability **CAD** @ 50% for life. Disability pension claim was rejected vide order dated 08.11.2016. Thereafter, first and second appeals were also rejected vide orders dated 02.07.2018 and 15.03.2019 respectively. It is in this perspective that this O.A. has been filed.

4. Learned counsel for the applicant pleaded that applicant was commissioned in the Army in medically and physically fit condition and there is no note in the service documents that he was suffering from any disease at the time of commission. Learned counsel for the applicant further pleaded that applicant be held entitled to disability element for other disabilities too in terms of para 423 (c) of Pension Regulations for the Army, according to which disability arose during service should either be attributable to or aggravated by military service. Further submission of learned counsel for the applicant is that since the disabilities in question have arisen during military service, therefore all disabilities should be aggravated by military service as they occurred at the fag end of applicant's army service.

5. On the other hand, learned counsel for the respondents contended that since the disabilities **IGT**, **DYSLIPIDEMIA** and **OBESITY** of the applicant have been regarded as NANA by the RMB, hence applicant is not entitled to disability element. Respondents' learned counsel has relied upon para 26, chapter VI, GMO 2002 amended in 2008, and submitted that '**DYSLIPIDEMIA**' and '**IMPAIRED GLUCOSE TOLERANCE**' are metabolic disorders which are caused due to excessive intake of saturated fats and sedentary life style, therefore, it has no relation with military service. He pleaded for dismissal of the Original Application.

6. We have heard learned counsel for the parties and also perused the RMB Proceedings.

7. From the pleadings and material placed on record, we find that applicant

was suffering from four disabilities viz. (i) **IGT** @ 15-19% for life (ii) **DYSLIPIDEMIA** @ 6-10% for life (iii) **OBESITY** @ 01-05% for life and (iv) **CAD** @ 30% for life. Out of four disabilities, **CAD** has been accepted as aggravated by military service and applicant is in receipt of rounded off disability element @ 50% for life with effect from his date of superannuation, whereas disabilities mentioned at serial numbers (i) to (iii) have been regarded as neither attributable to nor aggravated by military service by the RMB. This fact has also been agreed by First and Second Appellate Authorities while rejecting appeals of applicant.

8. We also take note that applicant was obese since March, 2003 and the other three disabilities are a result of first disability i.e. '**OBESITY**' which has no relation to military service. In medical literature, it is a risk factor for metabolic disorders and leads to serious health hazards for individuals. Obesity is a life style disability and it can be cured by regular exercise and restricting dietary habits.

9. In view of the above, we are of the opinion that findings of RMB should be given due weightage and credence as held by the Hon'ble Apex Court judgment in *Ex. Sapper Mohinder Singh vs Union of India & Ors*, Civil Appeal No. 164 of 1993 decided on 14.01.1993. The RMB has regarded (i) **IGT**, (ii) **DYSLIPIDEMIA** and (iii) **OBESITY** as neither attributable to nor aggravated by military service. We, therefore, go by the RMB and hold that disabilities (i) **IGT**, (ii) **DYSLIPIDEMIA** and (iii) **OBESITY** are NANA in terms of *Ex Sapper Mohinder Singh* (supra).

10. In view of the above, the Original Application has no merit and is accordingly **dismissed**.

11. No order as to costs.

12. Pending applications, if any, are disposed off.

(Vice Admiral Abhay Raghunath Karve)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)

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