

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****Original Application No. 150 of 2014**Wednesday, this the 14<sup>th</sup> day of October 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**  
**Hon'ble Air Marshal Anil Chopra, Member (A)**Durgesh Singh (No 3014995H Ex Recruit)  
Son of Shri Raghunandan Singh  
Village-Arjunpur, PO: Arjunpur, District-Farrukhabad-02  
State:Uttar Pradesh

.....Applicant

Ld. Counsel for : **Shri R. Chandra, Advocate**  
the Applicant

Versus

1. Union of India, Through, the Secretary, Ministry Of Defence, Government of India, New Delhi.
2. The Chief of the Army Staff Integrated Headquarters New Delhi-11
3. Directorate General of Medical Services (Army), Adjutant General Branch, Integrated Headquarters of Ministry of Defence (Army) 'L' Block, New Delhi-110001
4. The Officer-in-Charge, Records The Rajput Regiment, PIN-900427, C/o 56 APO.
5. The Commandant, The Rajput Regimental Centre Fatehgarh (UP)-209601

.....Respondents

Ld. Counsel for the : **Mrs. Deepti Prasad Bajpai,**  
Respondents **Sr. Standing Counsel,**  
**assisted by Lt Col Subodh Verma,**  
**OIC., Legal Cell.**

**ORDER (ORAL)**

1. Heard learned counsel for the parties and perused the record.
2. This is an application preferred under Section 14 of the Armed Forces Tribunal Act, 2007 being aggrieved by the impugned order which has been passed on account of invalidment medical board.
3. The applicant joined the Army on 22.06.2013. On 09.11.2013 during course of basic training, he fell down. On the same day he was brought to the Military Hospital, Fatehgarh and later on was transferred to Command Hospital, Lucknow. MRI. was done in the Command Hospital, Lucknow and the applicant was declared to be suffering from SEIZURE DISORDER. Again MRI. was carried out at Farrukhabad in which SEIZURE DISORDER was not shown. However, the applicant was invalidated from Army service on 29.03.2014.
4. According to applicant's learned counsel, MRI was conducted at Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow (S.G.P.G.I.) and in the second MRI. no abnormality was found. Submission of learned counsel for the applicant is that the applicant is entitled for restoration in service.
5. Admittedly, 30% disability was declared by the competent medical authority and disability pension has been given to the applicant for life.

6. According to medical opinion as on record, the applicant has been detected RIGHT SIDE FOCAL SEIZURES TWO EPISODES. The relevant portion of medical opinion of the Command Hospital, Lucknow dated 09.02.2014 is reproduced as under:

*“Diagnosis : SEIZURE DISORDER Onset 9 nov 2013*

*Patient developed feeling of imbalance, jerky movements of the Lt side of the body lasting or 2-3 mins followed by sudden onset loss of consciousness on 09 nov 2013 and again o 10<sup>th</sup> november. History frothing present. Post ictal confusion present. It was witnessed by colleagues on duty. He was sent here for evaluation. In this hospital he had a similar episode on 10 sep 2013. He has no past history of seizures or trauma and no h/o trauma or addictions. There is no family history”.*

7. However, learned counsel for the applicant emphasised that there is improvement in the disease and at the moment he is not suffering from seizure disorder or any other disease which may disentitle him to continue in service. In the opinion of S.G.P.G.I. shows that no significant abnormality has been detected. Other opinion of the Fatehgarh Hospital shows that no abnormality has been detected. However, there is no medical opinion on record which may indicate that the applicant is not suffering from any disease. In the event of doubt, keeping in view the medical opinion provided by outside agency, there appears no reason to disbelieve the opinion of Command Hospital Central Command, Lucknow. Otherwise also, opinion expressed by medical board as well as Command Hospital

should be trusted and believed that the applicant is suffering from SEIZURE DISORDER. It has also been placed on record that seizure episodes were seen the applicant's colleague as well as in the hospital, which seems to have not been denied by the applicant while preferring the O.A. Admittedly, the applicant has been paid disability pension at the rate of 30% for life.

8. No case for interference is made out. O.A. is accordingly dismissed.

No order as to costs.

**(Air Marshal Anil Chopra)**  
**Member (A)**

**(Justice D.P. Singh)**  
**Member (J)**

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