

**Court No.3****ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****Transferred Application No. 1331 of 2010**Tuesday, this the 27<sup>th</sup> day of October 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**  
**Hon'ble Air Marshal Anil Chopra, Member (A)**Anil Singh as Rect, Centre Gaya Bihar  
No.6493716 F, S/O Shri Rajendra Singh,  
R/O Village-Nasra, Post Office, Nasra,  
Distt.- Kanpur Nagar

.....Petitioner

Ld. Counsel for : **S.P. Singh, Advocate**  
the Applicant

Versus

1. Dy. Director Medical Surgeon(DDMS), Headquarters,  
M.P. Area, Jabalpur.
2. Lieutenant Colonel Military Hospital, Danapur, Bihar
3. Medical Board, Military Hospital, Gaya Bihar
4. Union of India, through Major/Captain O.C. Depot, Coy,  
HQ Wing, ASC Centre (N), Gaya Bihar.

.....Respondent

Ld. Counsel for the : **Shri R.S. Mishra, Central**  
Respondents **Govt Counsel assisted by**  
**Lt Col Subodh Verma,**  
**OIC, Legal Cell**

**ORDER(ORAL)**

1. Being discharged from Army in pursuance to Release Medical Board, the petitioner has preferred Civil Misc. Writ Petition No. 20411 of 1998 in the High Court of Judicature at Allahabad, which has been received by this Tribunal by way of transfer and renumbered as T.A. No.1331 of 2010.

2. Admittedly, order of discharge has been passed on the recommendation of Release Medical Board. Since Army personnel placed in Medical Category-EEE is not entitled to continue in service, as such, the impugned order of discharge has been passed. Nothing has been brought on record which may make out a case for interference with the impugned order of discharge. However, the medical disability pension has not been granted on the ground that disability is since birth and has neither attributable nor aggravated by military service.

3. Without interfering into the question with regard to grant of disability pension, we are of the view that the impugned order of discharge does not suffer from any impropriety or illegality. Under Medical Category-EEE, the applicant was liable to be discharged from Army service.

4. So far as the question for grant of disability pension to the petitioner is concerned, the applicant may prefer a statutory complaint and in case such a statutory complaint is submitted, it shall be decided by the competent authority by passing a speaking and reasoned order expeditiously, say, within three

months from the date of presentation of a certified copy of this order along with statutory complaint and communicate the decision to the applicant.

5. Without entering into the merit of the case, we disposed of the T.A. finally.

6. No order as to costs.

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

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