

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

03.

M.A. No. 318 of 2012
IN O.A. No. 110 of 2012

Wg Cdr A.P. Kashyap

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. K. Ramesh, Advocate.

For respondents: Mr. Ankur Chhibber, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER
13.08.2012

Learned counsel for the respondents submits that the order in question has been implemented and the petitioner has already been sent for Review Medical Board and his disability has been assessed to the extent of 46%.

Learned counsel for the petitioner submits that there is a difference between the opinion given by the Surgeon (Specialist) and the opinion given by the Board with regard to previous injury sustained by the petitioner. He further submits that as per the opinion given by the Board, previous injury is not aggravated to military services any more, however as per opinion of the Surgeon, there was some scope for such injury.

We have heard both the parties and gone through the record. The Board comprising of three senior doctors after considering the opinion of the Surgeon has found that previous injury sustained by the petitioner are not aggravated to military service. We cannot sit over the opinion given by the three senior doctors of the Board.

The order in question already stands complied with. Hence, nothing survives in the present execution petition. Same is accordingly disposed of.

**A.K. MATHUR
(Chairperson)**

**S.S. DHILLON
(Member)**

**New Delhi
August 13, 2012
mk**