

COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

25.

OA 1132/2019 with MA 1840/2019

Ex Sgt Vijay Kumar ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Ms. Pallavi Awasthi, Advocate  
For Respondents : Mr. K K Tyagi, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
10.10.2023

Submissions addressed on behalf of either side.

The original RMB produced by the respondents is taken on record. In reply to a specific court query, on behalf of the respondents, it is submitted that there is only one RMB in the instant case i.e. 31.01.2011 as per page 25 on the record of the OA forming part of the RMB dated 31.01.2011.

The Opinion of the Medical Board reflects to the effect:-

1. Casual Relationship of the disability with service conditions or otherwise.				
Disability	Attributable to service (Y/N)	Aggravated by service (Y/N)	Not connected with service (Y/N)	Reason/Caused/Specific condition and period in service
Diabetes Mellitus Type 2 (Z 09.0)	NO	NO	YES	As per para No. 26, Chapter VI Guide to Medical Officer (MP)- 2002 and amended 2008
	FIT FOR SUITABLE CIVIL EMPLOYMENT			
Note. A disability “Not connected with service” would be neither.				

Attributable nor aggravated by service (This is in accordance with instruction contained in 'Guide to Medical Officers (Military Pension)-2002

The original RMB produced by the respondents is also identical as herein above. The counter affidavit that the respondents have placed on the record dated 18.02.2020 vide para 3 thereof avers to the effect:-

**“Reasons: Dis 1 : As per Para 26 of Chapter VI of GMO- 2008, it is life style disorder. Not related to Service. No delay in diagnosis. Onset in peace area. No close time association with Field/HAA/CI/Ops area. Hence, NANA by the service. The percentage of disablement was assessed @ 20% for life long. Disability qualifying element for disability pension was NIL.”**

the said reasons detailed in para 3 are not expressly mentioned in part-V of the RMB in original nor on copy of the same as on the record at page-25.

Heard.

Reserved.

**(JUSTICE ANU MALHOTRA)  
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)**