

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

31.

OA 622/2016 with MA 453/2016

Lt Col SK Nagrath (Retd)

... Applicant

Versus

Union of India & Ors.

...Respondents

For Applicant : Mr. SM Dalal, Advocate

For Respondents : Mr. JS Rawat, Advocate

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)

ORDER
02.07.2019

Vide this application, the applicant seeks disability element of pension which was denied to him on the ground that he has taken premature retirement. The assessment of the disability was at 15 to 19% for two years. However, the counsel for the applicant states that he is entitled to disability element for life disability being permanent.

2. Countering the submissions of the learned counsel for the applicant, learned counsel for the respondents submits that in this particular case, the applicant applied for reassessment medical board but later on the said request was withdrawn by him. Therefore, he is not entitled for the same. The said letter is not placed on record. Respondents are directed to place all the relevant documents on record with a copy to the applicant.

3. Learned counsel for the applicant seeks time to get necessary instructions from the applicant.
4. Relist for hearing on **02.12.2019**.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

/rkj/