

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

11.

RA 44/2023 with MA 4329/2023 in OA 911/2017

Col RS Verma (Retd)

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Mr. J P Sharma, Advocate

For Respondents : Mr. K. K. Tyagi, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

O R D E R

12.10.2023

RA 44/2023 with MA 4329/2023

Seeking review of an order passed by this Tribunal in OA 911/2017 on 25th July, 2023, this application for review has been filed. There being a delay of more than 28 days MA has been filed for condonation of delay. Taking note of the grounds canvassed in the application for condonation of delay and finding reasons indicating therein to be proper, the delay is condoned. MA 4329/2023 stands disposed of.

2. Applicant invoked the jurisdiction of this Tribunal under Section 14 and sought grant of disability pension at the rate of 30% broad banded to 50% for life. After hearing all concerned, the application was decided by this Tribunal and the assessment of Hearing Loss for one ear was assessed at 20% and for the other ear as 0% or 10%. Taking note of the report of the medical specialist and the Release Medical Board and the law laid down by the Supreme Court in the case

of Secretary, MoD and others Vs A.V. Damodaran and others [(2009) 9 SCC 140] finding no infirmity in the opinion of the Medical Board, the application was rejected. Now on various grounds, the applicant submits that the assessments made by the earlier board were not properly considered and review is sought for based on various factors mentioned in the application, particularly, the assessment made by the release medical board.

3. In our considered view, each and every issue canvassed by the applicant has been considered by the bench and thereafter the order passed. The grounds now canvassed by the applicant are nothing but grounds on which the applicant may have to challenge the order before an appellate forum. There are no grounds available for exercising the jurisdiction of review in accordance with the law laid down by Hon'ble Supreme Court in the case of Sasi through Legal Representatives Vs. Aravindakshan Nair and others. (2017) 4 Supreme Court Cases 692. Except the fact that the counsel who originally argued the matter is changed, there is no substantial change with the issue involved.

4. Accordingly, finding no case for review, the application stands dismissed.

[RAJENDRA MENON]
CHAIRPERSON

[P. M. HARIZ]
MEMBER (A)