

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

201.

OA 208/2017

Lt Col Gaurav Bhardwaj	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. H.S. Sharma, Advocate
For Respondents	:	Mr. V.S. Tomar, Advocate for RR 1-4
	:	Mr. Rajesh Sehgal for R-5

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

List the main case for final consideration
on 13th December, 2018.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

202.

OA 229/2017

Lt Col Anil Sabhlok (Retd)	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

WITH

203.

OA 236/2017

Lt Col Deepti Sabhlok (Retd)	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. Rajiv Manglik, Advocate
For Respondents	:	Dr. V.S. Mahandiyan, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

1. These are two cases on Board fixed today for consideration of the Tribunal.

2. We in the start took up OA No.229/2017 relating to Lt Col Anil Sabhlok (Retd), who is seeking directions to the respondents to grant him disability pension for the diseases accepted in the Release Medical Board (RMB), i.e., forty per cent composite for the following two disabilities :

- (i) PRIMARY HYPERTENSION (401)
- (ii) DIABETES MELLITUS (TYPE-II) (250)

The applicant also seeks rounding of the composite disabilities of forty per cent to fifty per cent in terms of the letter dated 31st January, 2001, issued by the respondents.

3. During the course of arguments we were taken to RMB (Annexure A-2) consisting of four pages wherein the aforesaid two diseases have been shown to have occurred due to stress and strain of Military Service. According to Mr. Rajiv Manglik, learned for the applicant, it is the true copy of the RMB dated 20th May, 2003. However, while looking at RMB we noticed that two pages of the same are missing, viz. page No.2 and page No.3 respectively. In this regard we felt the necessity of looking at the original RMB proceedings brought by Lt Col Rupesh and Mr. Avinash Srivastava, Deputy Director, MPRS (O)/DGMS (Army). We find that the original RMB consists of six pages. Mr. Manglik states that the RMB (Annexure A-2) annexed with the OA was supplied to him by the applicant himself and that is the reason that he attached the same with the OA being true copy of the RMB.

4. Another fact which we have noticed on page No.2 of Annexure A-2 (Page 4 of Original RMB) is that under the initials of Commanding Officer, D. Sabhlok is written in pen ink whereas on page No.4 of the original RMB under the signatures of Commanding Officer Deepti Sabhlok is written. Why it is so, again creates a suspicion. Whereas the instant matter is shrouded under great suspicion, as is clear from our short orders passed while dealing with the instant matter, this fact also requires clarification from the applicant.

5. Another fact which we have noticed while perusing Medical Board proceedings available on record of the OA and from the original records produced before us, that the aforesaid two disabilities were noticed in August 2002. If we look at one of the columns of Part-1 filled by the applicant, it is mentioned August 2002 to till date, that means till the date of examination by the RMB. If the applicant had developed the aforesaid two disabilities in August 2002 for which he is now seeking disability pension and rounding off the same, a Medical Board must have been held immediately, may be in August 2002 itself for medically down grading the applicant. We felt the necessity of perusing the proceedings of the said Board and put a specific query to learned counsel for the respondents in this regard who, on instructions of Lt Col Rupesh, states that the said proceedings of the Medical Board are not in their possession today. Learned counsel seeks four weeks' time for producing the same. Granted. The respondents will also keep available with them the Policy Letter seeking disability pension by AMC officers on the next date of hearing.

6. We thus cannot proceed further till we peruse the Medical Board proceedings of August 2002 vis-à-vis the applicant; therefore consideration of the present case is deferred for four weeks, although the instant matter and the clubbed matter filed by his wife (Deepti Sabhlok) for the same relief have gone quite old and are on Board since year 2017.

7. List again on 14th November, 2018, as **PART HEARD**.

8. We, however, make it clear that the concerned officials will also bring the complete medical record relating to the applicant in

OA No.236/2017 on the next date of hearing so that consideration of the said case is not deferred for want of records.

9. As requested copy of this order be provided DASTI to learned counsel on both sides for compliance.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

204.

OA 351/2017

NK/Dvr Hemraj Saharan	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. U.S. Maurya, Advocate
For Respondents	:	Mr. Surjit Singh, Advocate for Mr. Avdhesh Kumar Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

List for final consideration as per seriatim.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

205.

OA 364/2017

Maj (Retd) Adarsh Kumar Sharma	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Ms. Nazoo Sharma, Advocate for Mr. A.K. Srivastava, Advocate
For Respondents	:	Dr. V.S. Mahandiyan, Advocate

CORAM:

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
24.10.2018**

Ms. Nazoo Sharma, Advocate, states Mr. A.K. Srivastava, Advocate, has now been engaged for the applicant and will be filing his Vakalatnama during the course of the week. Registry to accept the same.

List for final consideration as per seriatim.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

206.

OA 469/2017

Wg Cdr Anuma Acharya	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. S.S. Pandey, Advocate
For Respondents	:	Mr. Harish V. Shankar, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

Mr. S.S. Pandey, Advocates, states that he will be tendering his Vakalatnama on behalf of the applicant during the course of the week. Registry to accept the same.

List for final consideration as per seriatim.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks

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

207.

OA 708/2017

Col Ajit Singh	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. Rajiv Manglik, Advocate
For Respondents	:	Mr. V. S. Tomar, Advocate for RR 1-3
	:	Mr. S.P. Sharma, Advocate for RR 4-5

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

List for final consideration as per seriatim.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

208.

OA 1036/2017

Cadet Deepak Lakhera	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Ms. Archana Ramesh, Advocate
For Respondents	:	Mr. V. S. Tomar, Advocate

CORAM:

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

ORDER
24.10.2018

List for final consideration as per seriatim.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

209.

OA 1281/2017

Col Jaidev Singh Rathore	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. Rajender Kumar, Advocate for Mr. I.S. Singh, Advocate
For Respondents	:	Mr. Abhimanyu Gupta, Advocate for Mr. Tarunvir Singh Khehar, Advocate

CORAM:

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
24.10.2018**

Mr. I.S. Singh, learned counsel for the applicant, is stated to be busy arguing a matter before another Court.

As some urgency is projected by vice counsel for taking up this matter, adjourned and list again on 19th December, 2018.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

210.

OA 1651/2017 WITH MA 1232/2017
AND MA 457/2018

Pradeep Kumar Ex-LA (AH)	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant : Mr. Ankit Singh, Advocate for
Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Harish V. Shankar, Advocate

CORAM:

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
24.10.2018**

Learned counsel for the applicant is not available today.

List for final consideration as per seriatim. Rejoinder, if
any, in the meanwhile.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

211.

OA 438/2018

Sub (PA) Naresh Kumar	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. J.P. Sharma, Advocate for
		Mr. V.S. Kadian, Advocate
For Respondents	:	Mr. Anil Gautam, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

List for final consideration as per seriatim. Rejoinder, if any, in the meanwhile.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks

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

212.

OA 538/2018

Maj Vishal MS	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Ms. Garima Sachdeva, Advocate
For Respondents	:	Mr. Harish V. Shankar, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

List for final consideration as per seriatim.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

301.

OA 8/2017

LAM-I Sunil Kumar	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. Ankit Singh, Advocate for Mr. Ajit Kakkar, Advocate
For Respondents	:	Ms. Barkha Babbar, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

Mr. Ajit Kakkar, learned arguing counsel for the applicant is stated to be out of country, therefore vice counsel seeks an adjournment.

List again at the bottom of Regular Hearing cases of the year 2017.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

302.

OA 58/2017

Lt Col Ravinder Singh Bhandari	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

303.

OA 1645/2016

Lt Col Parampreet Singh Kochar	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	None
For Respondents	:	Gp Capt K.S. Bhati, Sr. CGSC with Mr. Harish V. Shankar, Advocate
	:	Dr. V.S. Mahandiyan, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

List again at the bottom of Regular Hearing cases of the
year 2017.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

305.

OA 101/2017

Wg Cdr A.S. Sonna	.....	Applicant
VERSUS		
UOI & Ors	.....	Respondents

For Applicant	:	Mr. Ankit Singh, Advocate for Mr. Ajit Kakkar, Advocate
For Respondents	:	Gp Capt K.S. Bhati, Sr. CGSC

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
24.10.2018

Mr. Ajit Kakkar, learned arguing counsel for the applicant is stated to be out of country, therefore vice counsel seeks an adjournment.

List again at the bottom of Regular Hearing cases of the year 2017.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

24.10.2018/vks