

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

9.

MA 3564/2023 in OA 1088/2019

Hav Pooran Mal (Retd) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : None  
For Respondents : Mr. Shyam Narayan, Advocate  
Maj A.R. Subramaniam, OIC, Legal Cell

CORAM

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

ORDER  
29.05.2024

There is no representation on behalf of the applicant.

2. On behalf of the respondents in terms of proceedings dated 10.05.2024 has been submitted a specialist opinion of the medical examination conducted of the applicant on 22.03.2024 which is taken on record. On behalf of the respondents it is submitted that the applicant has not appeared for the medical examination in terms of the letter dated 03.05.2024 that has been served on the applicant.

3. The document that has been submitted on record as the specialist opinion dated 22.03.2024 states to the effect:-

“ *Percentage of Impairment:*  
*Nil* ”

Indicating thereby that the Corresponding Para of GMO-2023, Para-33 has been put into operation and has been acted upon. The applicant in the instant case was invalided out of military service on 30.04.2018, and apparently it is the provisions of the GMO(MP), 2008 that apply to the applicant and not those of

GMO-2023. Furthermore, placed on record is letter dated 19.12.2023 sent on behalf of the Commandant copy of which has been again sent to the applicant for information stating therein to the effect:-

*“2. On scrutiny of the med docus recd vide your records letter quoted all med documents are returned herewith due to fwg obsns-  
(a) AFMSF-16(Ver-2019) old ver has been revised wef 21 Sep 2023. Post Discharge Claim will be processed as per new format. New AFMSF-16(Ver-2023) is available on DGMS website.”*

4. The same is also not in consonance with the factum that the GMO-2023 only has prospective application from when it becomes applicable for all medical boards of serving personnel conducted after 21.09.2023.

Re~ list the matter on **04.07.2024**

Copy of this order be given **DASTI** as prayed.

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

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

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