

**COURT No.3, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

8.

OA 1074/2018

Ex Nk (GD) Shokat Kathat	Applicant
Versus		
Union of India & Ors	Respondents

For Applicant	:Mr. JP Sharma, Advocate
For the Respondents:	:Mr. Anil Gautam, Advocate

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)
HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)

ORDER
02.07.2018

The present O.A. has been filed by the applicant aggrieved by the order dated 27.05.2014 whereby the claim of disability pension of applicant was rejected stating that the competent authority after due examination of the case in the light of relevant rules has decided that the following disabilities (a) ACL Tear Left Knee (OPTD) (b) Perforating injury (RT) eye (OPTD) was considered as not attributable/aggravated by service. Counsel for the applicant submits that the applicant was invalidated out from service and at that time he was brought before Invaliding Medical Board which considered its disability ACL TEAR LEFT KNEE (OPID) attributable/aggravated @ 20% for life and PERFORATING INJURY (RT) EUE (OPTD) @ 50% for life and composite assessment @ 60%. However, the competent authority considered disability (b) as neither attributable nor aggravated

by service and therefore the disability element of disability pension was granted for disability (a) @ 20% which was rounded off @ 50%. It is submitted by the counsel for the applicant that the competent authority could not interfere with the findings of the Medical Board.

2. Admitted. Issue Notice. Notice is accepted by Mr. Anil Gautam, advocate for the respondents. He seeks time to file counter affidavit. Respondents are directed to file reply within four weeks with copy to the applicant who may file rejoinder within four weeks thereafter.

3. List before Principal Registrar on **06.09.2018** for completion of pleadings.

(JUSTICE SUNITA GUPTA)

MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)

MEMBER (A)

sudha