## COURT No.3 ARMED FORCES TRIBUNAL PRINCIPAL BENCH: NEW DELHI

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## OA 1737/2019

Ex PO EL (R) Rahul Kumar Tyagi ..... Applicant

**VERSUS** 

Union of India and Ors. .... Respondents

For Applicant : Mr. Ved Prakash, Advocate For Respondents : Mr. Arvind Patel, Advocate

## CORAM

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

## ORDER 11.05.2023

On behalf of the applicant learned counsel submits that the prayer made through present OA seeking the grant of the disability element of pension in relation to the ID of Horse Shoe Kidney is not pressed and that the prayer is confined to the disability in relation to Solitary Seizure. Inter alia during the course of submissions made on behalf of the respondents reliance is placed on Part-V the opinion of the Medical Board dated O4.07.2018 wherein the reasons for stating that the disability was neither attributable to nor aggravated by the military service were specified to the effect:-

"No casual connection to service as onset of disability while posted in peace station/non aflot unit (Old Matanga) vide Para 33, Chapter VI of GMO (MP) 2008"

thus, stating to the effect that the onset of the disability was whilst the applicant was posted in a peace station/non aflot unit (Old Matanga). Placed on record as annexure-R2 at page 86 annexed to the counter affidavit filed on behalf of the respondents themselves the counter reply is dated 04.03.2020 supported with an affidavit dated 03.03.2020 wherein it has been stated that the onset of the disability was in March, 2017, Meerut with the posting profile Part-II of the said RMB showing that for the period from 06.05.2016 to 04.04.2017, the applicant was placed at Old Matanga shown to be a field area.

The original RMB proceedings qua the applicant be produced by the respondents and the status in relation to pages 86 and 89 placed on record by the respondents be clarified.

List the matter for final hearing on **09.11.2023**. Copy of the order be given **DASTI**.

(JUSTICE ANU MALHOTRA) MEMBER (J)

(REAR ADMIRAL DHIREN VIG) MEMBER (A)