

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

33.

OA 419/2017 wit hMA 350/2017

Col Arun Mukherjee (Retd.)

.... Applicant

Vs

UOI & Ors.

...Respondents

For Applicant

: Mr. R K Tripathi , Advocate

For Respondents

: Mr. Rajesh, vice counsel for

Mr. Tuhin, Advocate

Major Deepak, OIC, Legal Cell

CORAM:

HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)

HON'BLE LT. GEN. SANJIV LANGER, MEMBER (A)

ORDER

09.01.2018

This is a case where the applicant has demitted the office in the year 2005 by taking premature retirement and by his Release Medical Board, the applicant was found suffering from CROHNS DISEASE which was assessed approximately 11-14% being held aggravated by Military Service.

2. OIC, Legal Cell drawn our attention to Regulation 48 and 48A of Pension Regulations under which a person who has less than 20% disability at the time of his release, is required to undergo Reassessment Medical Board. It is contended that the applicant did not appear for Reassessment Medical Board in order to show that he had pensionable disability, which is stated to be 20% or more in terms of Regulation 48 of Pension Regulations. It is also stated that under Regulation 50, a person

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seeking premature retirement, is not entitled to disability pension dehorse
the aforesaid submission.

3. Learned counsel for the applicant seeks time to cite case laws where
disability pension has been granted to persons who were having disability
less than 20%.

4. List on **14.03.2018**.

(JUSTICE V.K.SHALI)
MEMBER (J)

(LT. GEN. SANJIV LANGER)
MEMBER (A)

09.01.2018/Sp