

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

18.

OA 1361/2016

Ex JWO Harvinder Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : Mr. YP Singh, Advocate

CORAM

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

ORDER
10.10.2023

The original RMB has been produced by the respondents. The same is directed to be retained on the record further orders, in view of averments made in para 4.4 of the counter affidavit dated 27.04.2017 filed on behalf of the respondents which reads to the effect:-

“Para 4.4. That in reply to Para 4.4 it is accepted to extent that he was medically fit at the time of enrolment, however mere occurrence of any disease in service does not mean that has happened due to service. There are certain other factors also which instigate the occurrence of disease. RMB has considered his disability Type 2 DM as neither attributable to nor aggravated by service “(Reason Metabolic disorder with onset in peace station (Delhi). No close time association with strain/stress of Field/HAA/Clops/service. Hence NANA in terms of para 26, chapter VI of GMO 2008). The percentage of disablement was assessed as 15-19% for disability Type 2 DM. Composite assessment was

assessed as 15-19% for lifelong. His RMB was approved by Dy PMO HQ MC, IAF, dated 03 December 2008.”

which reasons are not reflected in the original RMB that has been produced by the respondents and which reasons are also not there the RMB dated 16.10.2008 in part-V thereof at page 35 of the OA on the record, where the reasons for opining the disability to be neither attributable to nor aggravated by military service has been put forth as ‘**constitutional disorder.**’

The RMB that the respondents rely upon through their counter affidavit with averments in para 4.4 be produced by the respondent on the next date of hearing, with the copy being supplied to the applicant through counsel and a copy being placed on record. Furthermore in view of the factum that the original RMB that the respondents have produced and taken on record till further directions tallies with the documents placed as annexure A-3 page 32 of the OA which does not give the posting profile of the applicant in relation to the nature of the postings being Peace/Field/HAA/Clops service others on the record, the respondents are directed to put up the posting profile of the applicant also on the next date of hearing with an affidavit of the authorized representative of the respondents within a period of six weeks.

Re-list the matter on **28.11.2023.**

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

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)