

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

16.

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
28.11.2023

On behalf of the respondents, pursuant to proceedings dated 10.10.2023, have been submitted on record the posting profile qua the applicant as also in the form of comments of as Sqn Ldr AV (Medical) as under:-

1. *Please refer notes ante.*
2. *As per the medical records i/r/o Ex-716090 JWO Harvinder Singh available at this sub-dte, the RMB (AFMSF-16) dated 20 Oct 2008 assessed his disability @15-19% and considered as neither attributable to nor aggravated by service. The reason at Part V of AFMSF-16 has been mentioned as "Constitutional Disorder". The constitutional diseases are those diseases which has no causal connection with the military service conditions and which occurs commonly in civil population also.*
3. *In this instant, the same reason has been elaborated in counter affidavit as "metabolic disorder with onset in peace station(Delhi). No close time association with strain/stress of Field/HAA/Ops/service. Hence, NANA in terms of Para 26, Chapter VI of GMO 2008."*

2. Heard.
3. Reserved.

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

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

/NMK