

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

110.

OA 409/2022

Hav Sajiraj R (Retd)

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: Mr. Manoj Kr Gupta, Advocate

For Respondents

: Mr. Arvind Patel, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

O R D E R

06.10.2023

Heard learned counsel for the applicant. We find that in accordance to the averments made by the applicant in Para 4.3 of the pleadings, the accident has occurred in the manner as indicated in this Para. Normally there should have been a Court of Inquiry and the accident reported to the concerned authority. There is nothing on record to indicate as to whether the accident was reported or not and whether any Court of inquiry was done in the matter.

2. The respondents should clarify the aforesaid. That apart by bringing on record various medical documents as Annexure A-2 from page 17 onwards applicant has tried to demonstrate, *prime facie*, before us that the medical documents have been manipulated and recommendations made in a manner not to granting benefit to the applicant by changing the pages of various medical documents. This also is not clarified by the respondents and, therefore, the

respondents are directed to produce before us the entire original medical record of the applicant and filed as annexure-A2 in the OA.

3. Respondents are further directed to produce original records at the time of hearing and file an affidavit with regard to the injury sustained and Court of Inquiry, if directed

4. List the matter on **29.11.2023** as Part- Heard.

5. A copy of this order be provided ***DASTI*** to learned counsel for both the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN C. P. MOHANTY]
MEMBER (A)**

Ps