

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

52.

RA 42/2024 WITH MA 3486/2024 IN OA 1111/2020

Union of India & Ors. .... Applicants  
Versus  
Hav (N Asst) Sanjay Kumar .... Respondent

For Applicants : Mr. Rajeev Kumar, Advocate  
For Respondent : Mr. Manoj Kr Gupta, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
17.10.2024

RA 42/2024

Seeking review of the order dated 04.01.2024 passed by this Tribunal in OA 1111/2020, the applicants (respondents in OA) have filed this review application and the ground for the review is that the applicant was detailed for the course, however, he did not attend the course and, therefore, he was not entitled to the benefit.

2. We have considered the matter and found that on four occasions the respondent (applicant in OA) was detailed for the course but he was never informed about his detailment for the course and, therefore, we had allowed the OA and granted him the benefit.

3. Now, in this review application two grounds are raised out, the first is that the respondent (applicant in OA) was in

the Low Medical Category (LMC) and, therefore, he was not entitled to be detailed for the course on all the four occasions. If that be so, it should have been seen by the authorities who detailed the respondent (applicant in OA) for the course and should not have detailed him for the course on the ground that he was a LMC. In spite of the fact that he was a LMC, he was detailed for the course, the order detailing him for the course was neither recalled nor reviewed, that being so, we see no reason to review the order on the said ground. The second is that the respondent (applicant in OA) did not disclose the fact about him being a LMC before detailing him for the course. If that be so, the medical records of the officer are available with the applicants (respondents in OA) and they should have at the time of detailing the soldier for the course verified the records, and in the records if it was indicated that he was a LMC they should have not detailed him in the course. This is nothing but negligence on the part of the applicants (respondents in OA) before detailing the respondent (applicant in OA) in the course.

4. Taking note of the aforesaid facts and the law laid down in the case of *Sasi (Dead) Through Legal Representatives* Vs. *Aravindakshan Nair and Others* [(2017) 4 SCC 692], no case is made out for review as there

is no error apparent on the face of the record warranting review or recall. That apart, there being a delay of 113 days, MA 3486/2024 has also been filed seeking condonation of delay, for which there is no satisfactory explanation.

5. In view of the aforesaid, the RA stands dismissed both on the ground of merit and delay.

6. MA 3486/2024 and RA 42/2024 stand disposed of.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

Neha  
RA 42/2024