

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

OA 2653/2023 With MA 3768/2023

JWO Hukum Singh Shekhawat (Retd)	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents
For Applicant	:	Mr. Nawneet Krishna Mishra, Advocate
For Respondents	:	Ms. Jyotsna Kaushik, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

O R D E R  
24.07.2024

The matter was heard on 23<sup>rd</sup> July, 2024 and orally we had stated that we may by allowing the application. We made the aforesaid observations in the absence of the counsel for the respondents thereafter the counsel for the respondents came and pointed out certain documents pertaining to medical conditions of the applicant. She referred to the medical documents to say that the applicant was a 'Smoker and Alcoholic'.

2. Taking note of the aforesaid we had reserved the case for judgments. However, while proceeding for judgment, we find that in the medical report (annexure R-1) under the heading 'Present Condition' of the applicant 'Modifiable life style risk factors' it is mentioned **Smoking and Alcohol Abuse**, however, the basis for making such an entry and the medical

or other material based on which such observation is made is not available on record.

3. In view of the above, we re-open the matter for re-hearing and direct the respondents to produce the material/evidence or documents based on which the observation of 'Smoker and Alcoholic Abuse' is indicated in the medical report (Annexure R-1). Four weeks' time is granted to the respondents to do the same.

4. List the matter on 4<sup>th</sup> September, 2024 as **Part Heard**.

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

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

**Priya**  
**OA 2653/2023**