

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

76.

OA 2422/2021 with MA 5457/2024

Maj Prashant Bhardwaj Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
17.03.2025

In reply to a specific Court query, Lt. Col Deepak Ranwah, AMS(Legal) submits that there is no requirement for Battle casualty certificate for eligibility for grant of Permanent Commission to a Short Service Commissioned officer, however, the requirement of Army instructions 1/1970, as modified vide Annexure R-8 annexed to the written submissions submitted by the respondents dated 03.03.2015 is requisite.

2. Likewise, it is submitted on behalf of the respondents, in reply to a specific Court query that the demarcation between 'Severe Injury' and 'Moderate injury' has no bearing on the aspect of grant of Permanent Commission to Short Service Commissioned officers.

3. On behalf of the respondents has been submitted copy of Army Order 18/1988 and it is submitted, the same in operation as of date.

4. It is further submitted on behalf of the respondents that at the time of consideration of the grant and non-grant of Permanent Commission to the applicant, no sufficient documents were put forth by the applicant to indicate as to whether the disability of 'Connective Tissue Disorder Related Vasculitis- Rt Foot Drop' was the cause of the duties of the applicant in the Indian Army.

5. During the course of submissions made on behalf of the applicant, learned counsel for the applicant submits that the prayer made through the present OA is confined to seeking the grant of Permanent Commission alone with it having been submitted further on behalf of the applicant that the prayer seeking the declaration of a Battle Casualty qua the disability of the applicant of 'Connective Tissue Disorder Related Vasculitis- Rt Foot Drop' through the present OA is not pressed for which the applicant would seek redressal by a representation to the respondents in view of subsequent instructions and clarifications issued by the respondents in 2021.

6. On behalf of the respondents, it is submitted that IC-81539P Capt Utkarsh Mishra was not considered for grant of permanent commission as he was already a permanent commissioned officer.

7. The document no. 12812/AG/OW/SS-44836X/MP-5(d) dated 13.02.2025 has been submitted by the respondents taken on record and the respondents have also produced the Non-Fatal case documents qua the applicant bearing File no. 12812/AG/OW/OPM/SS-44836X/MP-5(D) which is presently retained on record and directed to be placed in a sealed cover.

Heard.

Reserved.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(MS. RASIKA CHAUBE)
MEMBER (A)