

COURT No.3  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

30

OA 1953/2019 with MA 1793/2023

Ex CH ME Dharmapada Sethi ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Ved Prakash, Advocate  
For Respondents : Mr. V Pattabhi Ram, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
09.05.2023

Part submissions addressed on behalf of the applicant.

Inter alia, it is submitted on behalf of the applicant as per Annexure A-2 submitted on record, RMB proceedings dated 06.04.2015 as per Part V of Opinion of the Medical Board it was stated to the effect that the disability of Type II DM was aggravated by service with reason therefore, having been mentioned to the effect:-

*“Vide Para 26, Chap VI, GMO 2008 served on board INS Jalashwa within one year prior to onset.”*

It is further submitted on behalf of the applicant that the said medical board proceedings were changed without any intimation to the applicant and that the RMB proceedings also

dated 06.04.2015 as submitted along with counter affidavit dated 25.01.2023 filed on behalf of the respondents gives a different opinion of the medical board stating that the said disability was neither attributable to nor aggravated by service with different reasons detailed therein to the effect:-

*No close time association of posting profile with service in field, afloat, CI Ops, HAA.”*

The respondents are thus required to produce the Original medical records qua the applicant without default *in toto*.

Re-list on **31.07.2023** as part-heard.

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

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

AP