

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

86.

OA 246/2014

Vijay Singh ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Anil Kumar Srivastava, Advocate  
For Respondents : Gp Capt Karan Singh Bhati, Sr CGSC  
Mr. Yogeshwar Krishnan, Advocate  
Cdr Gulwar Naqvi, Deptt. Rep.

CORAM

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

**ORDER**  
**04.10.2024**

The original RMB proceedings have been submitted by the respondents and are taken on record and be placed in a sealed cover, copy of which be submitted on record. On behalf of the applicant it has already been submitted on 13.04.2023 that the prayers made vide Paragraphs 8(a), 8(b) are not pressed.

2. A submission is now made on behalf of the applicant in relation to prayer clause 8 (e) that the applicant has already received a sum of Rs. 1,29,000 (One Lakh Twenty Nine thousand Rupees) towards Naval Group Insurance Fund and the said prayer is also not pressed.

3. The prayers now thus pressed on behalf of the applicant are prayer clauses 8 (c) and (d) with it having submitted on behalf of the applicant placing reliance on the RMB conducted in the

instant case to submit to the effect that the both the disabilities Osteochondroma Rt Femur OPTD with Cervico Trochantric Fracture (RT) Femur OPTD and Stricture Urethra have been assessed with percentages of disability of 50% and 30% respectively and it has thus been submitted on behalf of the applicant that in terms of the policy letter dated 14.12.2009 of the respondents bearing No. 16036/RMB/IMB/DGAFMS/MA (Pens) in terms of sub clause (a) of Para 4 which reads to the effect:-

*“(a) Member 'A' has four disabilities -20% (ii) Primary Hypertension (i) Fracture Femur 30% (iii) PIVD - 20% - (iv) SNILL 50%. As per the laid policy as mentioned - in Para 2 above as the four disabilities are unrelated functionally the composite assessment will be 100% (arithmetic sum of individual disabilities). However functionally the individual is not 100% disabled, as he is ambuined and is able to carry out all his routine functions activities of daily living. Besides the individual was released in low medical and not invalidated out, .....XXXXXXXXXXXXXXXXXXXXXXXXXXXX”*

there has to be an assessment of the said two disabilities by an arthmetical sum which would thus workout to 80% and thus the prayer made on behalf of the applicant is that 80% be rounded off to 100%.

4. On behalf of the respondents, it is submitted that the two disabilities are distinct and separate functional disabilities and it is submitted that the composite assessment of 70% has been made by the medical authorities who are more competent to make the assessment.

5. The prayer 8(d) is opposed on behalf of the respondents.
6. The matter is Heard and Reserved for orders.

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

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

**/nmk**