

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

21.

MA 1994/2024 in OA 1823/2020

Ex Sgt Mukesh Kumar ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Baljeet Singh, Advocate  
For Respondents : Ms. Barkha Babbar, Advocate  
Sgt. Pankaj Sharma, OIC Legal Cell

CORAM

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

ORDER  
10.05.2024

MA 1994/2024 has been filed on behalf of the applicant  
with the following prayers:-

*“A. To conduct the Post Discharge Medical Board in  
respect of the applicant and assess the percentage of  
disabilities ID Primary Hypertension and Anxiety Disorder  
as per the Entitlement Rules 2008.*

*B. To pass any such direction as deemed fit by the  
Hon'ble Tribunal in the facts and circumstances of the  
case.”*

2. Notice thereof is issued to the respondents and accepted on  
their behalf. A submission is made on behalf of the applicant that  
in terms of order dated 15.09.2023 in OA 1823/2020 whereby  
vide Paragraph 7 thereof, it was directed to the effect:-

*“7. Thus, in view of the provisions of Para-8(a) of the  
Entitlement rules for Casualty Pensionary Awards to Armed*

*Forces Personnel, 2008, the OA is disposed off with directions to the respondents to conduct the Post Discharge Medical Board for assessment of the disabilities that the applicant claims that he suffers from, within a period of three months of the receipt of copy of this order. The impugned letter no. Air HQ/99801/5/764186/DAV(Med) dated 19.08.2020 is also set aside.”,*

in view of the applicant having been discharged from the service on 07.07.2016, the assessment made by the respondents in terms of the Entitlement Rules for Casualty Pensioner Awards to Armed Forces Personnel, 2023, is wholly erroneous. Reliance is placed on behalf of the applicant on the order dated on MA 1522/2024 in OA 312/2019, whereby it has been observed to the effect:-

*“5. It is apparent that in terms of the order dated 11.04.2023 in OA 312/2019, the directions dated 11.04.2023 for conducting in terms of GMO(MP), 2008. The respondents are directed to ensure that the compliance of directions dated 11.04.2023 for conducting of the Re-assessment Medical Board is made in accordance with law in terms of the GMO(MP), 2008. The applicant is directed to appear before the OIC MBO, Base Hospital, Delhi Cantt on 29.04.2024 at 11:30 a.m. The compliance report of directions dated 11.04.2023 be submitted by the respondents for the date 06.05.2024 in OA 312/2019.”*

3. Presently in as much as, the counsel for the respondents seeks time to make submissions and ascertain the present status of the Post Discharge Medical Examination conducted in terms of

order dated 15.09.2023 in OA 1823/2020, the matter be re-notified for hearing on **31.05.2024**.

The copy of this order be given ***DASTI***, as prayed.

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

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

/NMK