۱.

OA 611/2015

Sep Somvir (Army No 3202078W)Petitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr VS Kadian, Advocate For respondents : Ms Shilpa Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Admit. Issue notice.

- 2. Learned counsel for the respondents accepts notice. She may file memo of appearance also.
- 3. Three weeks' time is granted to file the counter. Rejoinder, if any, be filed within two weeks thereafter.
- 4. Put up on **06.10.2015.**

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

OA 612/2015

Ex Sub BK SharmaPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr VS Kadian, Advocate For respondents : Mr Ajai Bhalla, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

> ORDER 25.08.2015

Admit. Issue notice. Learned counsel for the respondents accepts notice. He may file memo of appearance also.

- 2. Respondents may file counter within four weeks. Rejoinder, if any, be filed within two weeks thereafter.
- 3. Meanwhile, the respondents may immediately take steps with respect to the petitioner's claim which was forwarded and returned as there were defects, as indicated in the forwarding letter dated 08.01.2015. The decision be taken by the respondents with respect to the petitioner's claim within four weeks.
- Put up on 14.10.2015. 4.

(PRAKASH TATIA) **CHAIRPERSON**

(SANJIV LANGER) **MEMBER**

3.

OA 614/2015

Hav Asok Biswas (Retd) (14247797)Petitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr Sukhjinder Singh, Advocate For respondents : Mr Anil Gautam, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Admit. Issue notice. Learned counsel for the respondents accepts notice. He may file memo of appearance also.

- 2. The respondents may file counter within four weeks.
- 3. Tag with OA 389/2015-Ex Hav Chhattara Pal Singh Vs Union of India & Ors.
- 4. Put up on **24.09.2015.**

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

MA 520/2015 In OA 348/2011

Subedar SK PandaPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Ms Archana Ramesh, Advocate For respondents : Mr Sayan Samaddar, Adv. proxy for Mr Ankur Chhibber,

Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Learned proxy counsel for the respondents submitted that sanction has been issued on 24.08.2015 (yesterday). Steps be taken for issuing the PPO without any delay. Put up after six weeks.

List on 14.10.2015. 2.

> (PRAKASH TATIA) **CHAIRPERSON**

> (SANJIV LANGER) **MEMBER**

MA 169/2015 In OA 222/2013

Col RK Khanna (Retd)Petitioner

Versus

UOI & Ors.Respondents

For petitioner : Ms Shristhi Kaul, Adv. proxy for Mr SS Pandey,

Advocate

For respondents : Ms Shilpa Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

> ORDER 25.08.2015

Learned counsel for the respondents submits that as per her information, the PPO has been issued. But, the cost has not been paid.

- 2. The respondents may submit the PPO and pay the cost to the petitioner on the next date of hearing.
- 3. Put up on 07.09.2015.

(PRAKASH TATIA) **CHAIRPERSON**

(SANJIV LANGER) **MEMBER**

MA 665/2015 & MA 666/2015 In MA 414/2014 & MA 224/2015 In TA 656/2009

Maj SV RaoPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr Y Raja Gopala Rao, Advocate
For respondents : Mr Sayan Samaddar, Adv. proxy for Mr Ankur Chhibber,

Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

> ORDER 25.08.2015

At the request of the learned counsel for the petitioner, put up on 01.09.2015.

> (PRAKASH TATIA) **CHAIRPERSON**

(SANJIV LANGER) **MEMBER**

Dated:25.08.2015

7. <u>OA 415/2015</u> <u>With MA 455/2015</u>

Ex Sub Ram NarayanPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr VS Kadian, Advocate For respondents : Mr JS Yadav, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

The petitioner has not filed the amended memo of the parties in view of the order dated 06.07.2015.

- 2. Respondents are granted four weeks' time to file the counter. Rejoinder, if any, be filed within two weeks thereafter.
- 3. Put up on 14.10.2015.

(PRAKASH TATIA)
CHAIRPERSON

(SANJIV LANGER) MEMBER

Dated:25.08.2015

8.

OA 416/2015

Ex Cpl Tej Ram AgarwalPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr VS Kadian, Advocate For respondents : Ms Shilpa Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

At the request of learned counsel for the petitioner, put up on 28.08.2015.

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

Dated:25.08.2015

FORM NO. 4 (See Rule 11 (1)) IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

9. OA 285/2015

Sgt Hem chander (Retd)Petitioner

Versus
UOI & Ors.Respondents

For petitioner : Mr Rajesh Nandal, Advocate For respondents : Ms Shilpa Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Notes of the Registry	Orders of the Tribunal			
Dated 25.08.2015	Order passed vide separate order sheet, is placed on record. The OA is dismissed.			

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

Dated: 25.08.2015/als

9. OA 285/2015

Sgt Hem chander (Retd)Petitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr Rajesh Nandal, Advocate For respondents : Ms Shilpa Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Heard learned counsel for the parties.

- 2. The petitioner's grievance is that he has been denied the disability pension in spite of the fact that the respondents themselves have admitted that the petitioner was in A4G1 medical category at the time of his discharge from service which is a low medical category.
- 3. Learned counsel for the petitioner relied upon the medical documents of the year 1988 to show that the petitioner was subjected to operation for his some nasal problem. According to the petitioner, because of that and consequence to that, the petitioner suffered some hearing problem also. Therefore, the petitioner should have been declared as a medically disabled person at the time of his discharge from service. It is submitted that the respondents have admitted that the petitioner was placed in A4G1 category, but in the Medical Board's proceedings, he has been declared as a fully fit person.
- 4. We considered the medical documents placed on record by the petitioner. It may be true that in the year 1988 because of some problem in the nose and because of some problem in the respiration, the operation was performed. It may also be true that the petitioner may have developed some hearing problem at that time due to said nasal problem. But at the time of his release in the year 2000, the Medical Board found that he had no medical disability.
- 5. So far as the medical category 'A 4' is concerned, that is only "functional capacity impaired to the extent that it interferes with flying

duties as an aircrew, but does not interfere with flying as a passenger.

"Officers of ground duties branches possess full functional capacity or

impaired functional capacity, not interfering with flying as a passenger, for

which, it can be mentioned that they are unfit to fly as an aircrew, but fit to

fly as a passenger only." Therefore, the above is not any sort of disability

for the ground duty staff. The petitioner was admittedly a ground duty staff.

If the petitioner's medical disability would have been lowered down to such

an extent so as to cover his medical category in 'G', then certainly he

would have been entitled to be declared as a medically disabled person.

6. In view of the above reasons, we do not find any error in the

decision of the respondents denying the disability pension to the

petitioner. It is also relevant to mention here that the petitioner after his

discharge from service in the year 2000, raised his grievance for the first

time in 2014 (08.12.2014), therefore, the petitioner was knowing it fully

well that his medical category has not put him in low medical category.

7. In view of the above, the OA is dismissed having no merit.

> (PRAKASH TATIA) **CHAIRPERSON**

> (SANJIV LANGER) **MEMBER**

OA 369/2013 With MA 506/2013

Rect Zile SinghPetitioner

Versus

UOI & Ors.Respondents

For petitioner : None For respondents : Ms Shilpa Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

> ORDER 25.08.2015

As a last opportunity, four weeks' time is granted to file the counter.

In case counter is not filed, the matter will be decided without counter.

2. Put up on 28.09.2015.

> (PRAKASH TATIA) **CHAIRPERSON**

> (SANJIV LANGER) **MEMBER**

11.

OA 666/2014

Sqn Ldr Suchet Singh Yadav & OrsPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr Sukhjinder Singh, advocate

For respondents : Mr Ajai Bhalla, Advocate for Air Force

Ms Sangeeta Tomar, Advocate for Navy

Mr SP Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Mr SP Sharma, Advocate appeared on behalf of respondent No.2. The respondent No. 2 has adopted the reply of the other respondents.

- 2. The office is directed, not to show the name of Mr Ankur Chhibber, Advocate on behalf of respondent No. 2 and in his place, the name of Mr. SP Sharma, Advocate shall be shown.
- 3. Arguments of learned counsel for the petitioner concluded. Learned counsel for the respondent No.1 argued the matter at length, but his arguments remained inconclusive. The respondents may inform, when the rank of 2nd Lieutenant was abolished.
- 2. Put up on **04.09.2015.**

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

Dated:25.08.2015

12.

OA 231/2015 With MA 261/2015

Sep Indrapal SinghPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Ms Archana Ramesh, Advocate

For respondents : Mr SP Sharma, Advocate for R-1-2 & R-4

MS Anjali Vohra, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON.

HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Learned counsel for the respondent No. 3, Director General, Army

Group Insurance Fund submitted that the amount what was payable by

the respondent No. 3 to the petitioner, has already been paid to the

petitioner.

2. Learned counsel for the petitioner submits that the petitioner has

received the amount. In view of the above, no relief survives against the

respondent No. 3. Therefore, this OA with respect to the respondent No. 3

is disposed of and the respondent No. 3 is discharged from this OA.

3. After arguing the matter at some length, learned counsel for the

petitioner sought time.

4. Put up on **01.10.2015.**

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

Dated:25.08.2015

13.

OA 605/2014

Ex Sahab KhanPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Mr RK Rastogi, Advocate For respondents : Mr SP Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Learned counsel for the respondents submitted that learned counsel for the petitioner is busy in Court No.2 and, therefore, sought adjournment.

2. Put up on **09.10.2015.**

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

Dated:25.08.2015

14.

OA 55/2015

.....Petitioner **Hav Narayan Singh Airee**

Versus

.....Respondents UOI & Ors.

For petitioner : Ms Shristhi Kaul, Adv. proxy for Mr SS Pandey,

Advocate

For respondents : Ms Shilpa Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

> ORDER 25.08.2015

Two weeks' time is granted for filing the rejoinder.

2. Put up on 14.09.2015.

> (PRAKASH TATIA) **CHAIRPERSON**

> (SANJIV LANGER) **MEMBER**

15.

OA 306/2015

Wg Cdr VK Krandikar (Retd)Petitioner

Versus

.....Respondents UOI & Ors.

For petitioner : None For respondents : Ms Shilpa Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

> ORDER 25.08.2015

Last opportunity of four weeks' time is granted to file the counter.

Put up on 28.09.2015. 2.

> (PRAKASH TATIA) **CHAIRPERSON**

(SANJIV LANGER) **MEMBER**

16.

OA 299/2014 With MA 341/2014

Maj Rupinder SinghPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Ms Archana ramesh, Advocate For respondents : Mr SP Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Learned counsel for the respondents submits that he will be filing the additional affidavit today. However, he sought time.

2. Put up on **22.09.2015.**

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

Dated:25.08.2015

17.

OA 446/2014

L/Nk Sushil KumarPetitioner

Versus

UOI & Ors.Respondents

For petitioner : Ms Archana Ramesh, Advocate For respondents : Mr SP Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

> ORDER 25.08.2015

At the request of the learned counsel for the petitioner, the matter is adjourned.

2. Put up on **01.10.2015.**

> (PRAKASH TATIA) **CHAIRPERSON**

(SANJIV LANGER) **MEMBER**

FORM NO. 4 (See Rule 11 (1)) IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

18. <u>OA 387/2014</u> With MA 457/2014

Nk Yogesh Kumar (decd) through L.r.Petitioner

Versus

UOI & Ors.Respondents

For petitioner : Ms Archana Ramesh, Advocate For respondents : Mr Satya Saharawat, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Notes of the Registry	Orders of the Tribunal		
Dated 25.08.2015	Order passed vide separate order sheet, is placed on record. The		
Datoa 20100.2010	OA is dismissed.		

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER) MEMBER

Dated: 25.08.2015/als

18.

OA 387/2014 With MA 457/2014

Nk Yogesh Kumar (decd) through L.r.Petitioner

Versus

UOI & Ors.Respondents

For petitioner : Ms Archana Ramesh, Advocate For respondents : Mr Satya Saharawat, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Heard learned counsel for the parties.

- 2. The deceased petitioner Naik Yogesh Kumar was enrolled as a Sepoy in the Corps of EME on 15.02.2001 and he was invalided out from service on 20.03.2012. He was invalided out because of 'Alcohol Dependency Syndrome' and no other disability.
- 3. It will be relevant to mention here that the deceased petitioner Naik Yogesh Kumar invalided on 20.03.2012 and expired on 09.05.2013. Therefore, this OA has been filed by the children through their legal representative, their grand mother, as the petitioner's wife also died on 30.12.2013.
- 4. We have perused the original Medical Board's proceedings and found that the deceased, Naik Yogesh Kumar was continuously in the habit of taking too much liquor and he was continuously admitted in the hospital. Even after so much counseling and de-addiction treatment, he could not avoid use of liquor even for a very short duration. The deceased Yogesh Kumar could control his bad habit for a short duration and he was placed in medical category SHAPE-1. But, immediately thereafter, he again came in the grip of bad habit, which ultimately lowered down his medical category to S5. There is no disease as such which can be said to be having any connection with the petitioner's service conditions. Merely

because of his bad habit, he was not in a position to serve the Army any more. Therefore, he was recommended for invalidment. Therefore, we are of the considered opinion that the petitioner was rightly denied the disability pension.

5. In view of the above reasons, there is no merit in the OA and it is dismissed accordingly.

(PRAKASH TATIA) CHAIRPERSON

(SANJIV LANGER)
MEMBER

19.

OA 665/2014

Nb Sub Vinod Kumar ChauhanPetitioner

Versus

.....Respondents UOI & Ors.

For petitioner : Ms Shristhi Kaul, Adv. proxy for Mr HS Tiwari, Advocate : Mr JS Yadav, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Two weeks' time is granted to file the rejoinder.

2. Put up on 16.09.2015.

> (PRAKASH TATIA) **CHAIRPERSON**

(SANJIV LANGER) **MEMBER**

20.

OA 248/2013

Disabled War Veterans through its PresidentPetitioner **Col HN Honda**

Versus

UOI & Ors.Respondents

For petitioner : Mr Adarsh Kumar Tiwari, Adv. proxy for Mr Karan Singh

Bhati & Ms Aishwarya Bhati, Advocates

For respondents : Mr Sayan Samaddar, Adv. proxy for Mr Ankur Chhibber,

Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

As a last opportunity, four weeks' time is granted to file the counter to the amended OA. In case the counter is not filed, the matter will be heard and decided without the counter.

2. Put up on 08.10.2015.

> (PRAKASH TATIA) **CHAIRPERSON**

> (SANJIV LANGER) **MEMBER**

21.

OA 678/2014 With MA 817/2014

Ex Hav Umesh Prasad & AnrPetitioner

Versus

UOI & Ors.Respondents

: Mr VS Kadian, Advocate For petitioner

For respondents : Mr SP Sharma, Adv. proxy for Ms Jagrati Singh,

Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON. HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER 25.08.2015

Tag with OA 389/2015-Ex Hav Chattara Pal Singh Vs Union of India & Ors.

2. At the request of the learned counsel for the petitioner, put up on 24.09.2015.

> (PRAKASH TATIA) **CHAIRPERSON**

(SANJIV LANGER) **MEMBER**