

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

74.

OA 597/2017 WITH MA 513/2017

Ex CPO RC Ramphal Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S C Tomar, Advocate
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
17.10.2024

Challenging the order passed by the respondents wherein the applicant has been assessed suffering from Tuberculosis for life, the applicant has filed this OA claiming that he has not be granted the benefit on the basis of the RMB proceedings. The RMB proceedings were placed before the PCDA (P), Allahabad, and the PCDA (P) has said that the disability benefit cannot be granted for life and it can only be granted for a period of two years.

2. Normally, the PCDA (P) as per law laid down in various cases and followed by this Tribunal, cannot interfere with the findings of the Medical Board. However, in case, the findings of the Medical Board are totally perverse and contrary to the well settled norms of medical jurisprudence, the PCDA (P) has an authority to differ from the decision. In the case of

Tuberculosis, it is well settled on medical research basis that it is a temporary ailment and can be cured with the passage to time.

3. That being so, in the facts and circumstances of the case and before taking a decision on merit, we would like the applicant to submit to Review Medical Board.

4. Respondents are directed to fix a date for Review Medical Board of the applicant and submit a report after such examination within six weeks.

5. List again on **13.12.2024**.

6. A copy of this order be provided *'DASTI'* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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