

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

OA 1874/2024 with MA 198/2025

Ex Hav Ram Kumar **Applicant**
VERSUS
Union of India and Ors. **Respondents**

For Applicant : Mr. Devendra Kumar, Advocate
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

CORAM

**HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIIKA CHAUBE, MEMBER (A)**

ORDER

MA 198/2025

This is an application filed on behalf of the respondents for condonation of delay of **67** days in filing the counter affidavit. In view of the reasons explained in the MA and in the interest of justice, the MA 198/2025 is allowed and the delay in filing the counter affidavit is condoned.

OA 1874/2024

The applicant vide the present OA makes the following prayers:

“(a) Quash the Impugned Certificate dated 10.05.2024 issued by the Kendriya Sainik Board and to direct the respondents to issue correct certificate in respect of daughter of the applicant placing her in Priority-II.

(b) Any other relief which the Hon’ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the applicant and against the respondents.”

2. The applicant no. 2894744P Ex Hav Ram Kumar was enrolled in the Indian Army on 08.10.1998 and discharged from service with effect from 31.08.2016(AN) at his own request under Item 13(3) III(iv) of Army Rules 1954 after rendering 17 years, 10 months and 23 days of service. He was granted service pension by the PCDA(P) Prayagraj vide PPO No S/24972/2016(ARMY) dated 05 May 2016 and War Injury Element with effect from 01 Sep 2016 to for life by PCDA(P) Prayagraj vide PPO No S/CORR/8423/2017 dated 02 Nov 2017. As per the service records held with the Records RAJ RIF, the applicant sustained injury of severe nature ie “BILATERAL SENSORY NEURAL HEARING LOSS NOISE INDUCED(RT>LT)” during Battle Inoculation Training on 22 Aug 2014 due to

RL(Rocket Launcher) fire at MFFR(Mahajan Field Firing Range). The said injury was declared as “Battle Casualty” by IHQ of MoD(Army) vide letter No. 12822/AG/2894744P/MP-5(D) dated 19 May 2016 attached as Annexure R-1 to the counter affidavit of the respondents filed on 04.12.2024.

3. Vide document no. F. No 6(1)/2017/D(Res.II) dated 21.05.2018 of the Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare conveyed the revised list of inter se priority for reservation/preference to the wards of Armed Forces personnel by States/UTs for admission to Medical/Professional/Non-Professional Courses as under:-

“

***F.No.6(1)/2017/D(Res.II)
Government of India
Ministry of Defence
Department of Ex-Servicemen Welfare***

***Room No. 237 'B' Wing
Sena Bhawan, New Delhi
May 21,2018***

To

***The Chief Secretaries/Administrators
All States/UTs***

***Subject: Inter-se priority for reservation/preference to the
wards of Armed Forces personnel by States/UTs for***

admission to Medical/Professional/Non-professional Courses.

Approval of the Competent Authority is conveyed to the removal of Yudh Seva Medal series of Awards i.e. Sarvottam Yudh Seva Medal, Uttam Yudh Seva Medal and Yudh Seva Medal from Category V of the priority list for reservations/preferences to the wards of Armed Forces personnel by States/UTs/Central/State Universities/ Autonomous Institutions for admission in medical/ professional/non-professional courses. The revised list of priorities will be as follows:

Priority I: Widows/Wards of Defence personnel killed in action.

Priority II : Wards of disabled in action and boarded out from service.

Priority III: Widows/Wards of Defence personnel who died while in service with death attributable to military service.

Priority IV: Wards of disabled in service and boarded out with disability attributable to military service.

Priority V: Wards of Ex-Servicemen and serving personnel who are in receipt of Gallantry Awards:

- i. Param Vir Chakra***
- ii. Ashok Chakra***
- iii. Maha Vir Chakra***
- iv. Kirti Chakra***
- v. Vir Chakra***
- vi. Shaurya Chakra***
- vii. Sena, Nau Sena, Vayu Sena Medal***
- viii. Mention-in-Despatches.***

Priority VI: Wards of Ex-Servicemen.

Priority VII: Wives of:

- i) defence personnel disabled in action and boarded out from service.***
- ii) defence personnel disabled in service and boarded out with disability attributable to military service.***
- iii) ex-Servicemen and serving personnel who are in receipt of Gallantry Awards.***

Priority VIII: Wards of Serving Personnel.

Priority IX: Wives of Serving Personnel.

2. This issues with the approval of Hon'ble Raksha Mantri and supersedes our earlier letters of even number dated 19.05.2017 and 30.11.2017 on the subject.

Sd/-
(Santosh)
Joint Secretary(Res.II)
Tel. 23015772 ”

4. The applicant who sustained an injury of severe nature i.e. “BILATERAL SENSORY NEURAL HEARING LOSS NOISE INDUCED(RT>LT)” during Battle Inoculation Training on 22.08.2014 due to RL(Rocket Launcher) fire at MFFR(Mahajan Field Firing Range) and who was declared a Battle Casualty vide letter No. 12822/AG/2894744P/MP-5(D) dated 19 May 2016 as admitted by the respondents, submits that the Educational Concession Certificate dated 10.05.2024 issued by the Government of India, Ministry of Defence, Kendriya Sainik Board in relation to his daughter Tamanna in which the applicant's daughter has been classified in Priority-VI in the category of **“Wards of Ex-Servicemen”** is erroneous and he seeks thus that his daughter's name be placed in Priority-II in

the “**Wards of the Armed Forces personnel disabled in action and boarded out from service**”.

5. The respondents admit that the applicant had sustained “BILATERAL SENSORY NEURAL HEARING LOSS NOISE INDUCED(RT>LT)” during the Battle Inoculation Training which had been declared a Battle Casualty but, categorically contend that though the applicant was disabled in action, **the applicant had been discharged at his own request after rendering 17 years, 10 months and 23 days of service, and that he was not boarded out from service** and thus his daughter cannot fall in Priority-II and has to fall in Priority-VI in terms of the revised list of priorities for reservation/preference to the wards of Armed Forces personnel by States/UTs for admission to Medical/Professional/Non-Professional Courses in terms of document no. F. No 6(1)/2017/D(Res.II) dated 21.05.2018 of the Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare.

6. Vide order dated 09.05.2018, the respondents were thus directed to produce the Long Roll qua the applicant. The

respondents on 09.01.2026 produced the original Sheet Roll in relation to the applicant in r/o No 2894744P which clearly indicates qua the applicant therein to the effect:-

“Tfr to pen est before completion of service at his own request under item 13(3) III(iv) of AR, 1954. SOS 01.09.2016, Character Exemplary RO R &D Part II Order No 1/0440/001/2016.

***Sd/-
Nb Sub/Clk
Sec Supdt ”***

Entitled to the cash equivalent of Pay and DA for the unutilized portion of acc lve to the extent of 139 days.

RO R & D Part II Order No 1/0795/064/2016.

***Sd/-
Nb Sub/Clk
Sec Supdt
10/05/2016”***

7. Thus the records produced by the respondents indicate categorically that the applicant had been transferred to the pension establishment at his own request under Item 13(3) III(iv) of AR, 1954 and SOS on 01.09.2016. It is apparent thus that the applicant was not boarded out from the Indian Army and in as much as the injury sustained by him was on ***22.08.2014*** but the applicant was discharged from service on

31.08.2016 at his own request, the ward of the applicant thus falls in Category-VI of the Priorities in terms of document no. F. No 6(1)/2017/D(Res.II) dated 21.05.2018 of the Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare. There is thus no infirmity in the impugned Educational Concession Certificate dated 10.05.2024 issued by the respondents qua the daughter of the applicant Tamanna by the respondents.

8. The OA 1874/2024 is devoid of merits and is thus dismissed.

Pronounced in the open Court on the 16th day of January, 2026.

[RASIKA CHAUBE]
MEMBER (A)

[JUSTICE ANU MALHOTRA]
MEMBER (J)

/TS/