

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI**

T.A. No. 488/2010

[W.P. (C) No. 8187/07 of Delhi High Court]

Ex Hav Hari Chand

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Ms.Kiran Bhardwaj, Advocate

For respondents: Sh.Ankur Chibber, Advocate

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

**ORDER
10.03.2010**

1. The present petition has been transferred from Hon'ble Delhi High Court to this Tribunal on its formation.

2. Heard learned counsel for parties.

3. Brief facts which are relevant for the disposal of present writ petition are that petitioner recruited in the Army on

10.10.1999 and after 19 weeks rigorous training, he subjected to medical examination at MH Jabalpur along with all other recruits of his batch. He admitted to MH Jabalpur and administered some treatment for 7 days. He discharged from hospital and declared medically unfit for Army services. He was finally discharged from Army on medical grounds under Army Rule 13(3) Item III (iii). Petitioner has challenged his discharge by filing the present writ petition before the Hon'ble Delhi High Court which has been transferred to this Tribunal on its formation.

4. Respondents filed the reply. In reply they pointed out that petitioner was found to be suffering from 'Palmoplantar hyperhidrosis' and he was clinically diagnosed by the Dermatologist and then by Senior Dermatologist at MH Jabalpur and it was found that he will not be a good soldier. Since during his training period itself it was found that he is suffering from aforesaid disease and that he will not be a good soldier, he was discharged from service. Therefore, he is not entitled to benefits following from discharge or alternatively in view of decision given by Hon'ble Punjab & Haryana High Court wherein incumbent was sent for second medical review.

5. We seen the original record and after going through the same, we are satisfied that during course of training period, petitioner was found to be suffering from 'Palmoplantar hyperhidrosis' disease which is constitutional one and has nothing to do with the military service. Consequently, the petition is dismissed with no order as to costs.

6. Copy of this order may be sent to the petitioner at his residential address i.e. Sh.Surinder Kumar, s/o. Sardaru Ram, r/o. Village & P.O. Andreta, Tehsil Palampur, Distt. Kangra (Himachal Pradesh).

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
March 10, 2010.