

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

03.

O.A. No. 474 of 2011

Ex. Rect. Gyanesh Kumar

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. D.K. Sharma, Advocate.

For respondents: Sh. Ankur Chhibber, Advocate.

**CORAM:**

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. Z.U.SHAH, MEMBER.

**ORDER**  
**09.11.2011**

1. Heard learned counsel for the Petitioner.
2. Petitioner was inducted in service in April 2003 and while he was undergoing training as a recruit it was detected that he was suffering from Calcified Granuloma which has been certified by the doctor neither attributable to nor aggravated by the military service. Such a brain problem cannot be detected at the time of induction till it is exhibited by some outward action of the incumbent. After three months' time the disease which was latent became patent and therefore he was discharged from service. Learned counsel for the Petitioner has invited our attention to Item No. 11 "Do you consider the disability is attributable to service (Give reason)?" and there the doctor has said "Yes". But in the column under the heading "Casual Relationship of the Disability with service conditions or otherwise" the reason given is "(i) onset of disease prior to enrolment based on calcification of lesion" and "(ii) onset of symptoms related with natural history of disease." Therefore from these columns it is more than apparent that when Petitioner was recruited the disease was not patent

but was latent but within three months' time it became patent and it has nothing to do with the military service. Therefore, we do not find any merit in this petition and same is dismissed with no order as to costs.

**A.K. MATHUR**  
(Chairperson)

**Z.U. SHAH**  
(Member)

New Delhi  
November 09, 2011  
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