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COURT NO. 2, ARMED FORCES TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

T.A. No.18 of 2011

W.P.(C) No.2975 of 1997 of Delhi High Court

IN THE MATTER OF :

H/C C.S. Rawat

.....Applicant

VERSUS

Union of India & Ors.

.....Respondents

ORDER

Dated: 19.09.2011

Present: Mr. N.L. Bareja, counsel for the applicant.  
Lt. Col. Arun Sharma on behalf of the Respondents

Heard and perused the record.

Despite our directions, no reply of additional affidavit has been filed by the respondents to the affidavit of applicant submitted on 08.08.2011 by which father of Dafedar Vijay Kumar specifically stated that under medical check up his son has been upgraded to medical category Shape-I w.e.f. 14.09.2002 and at present he is in continuation of service.

Ld. Counsel appearing for the applicant states that after this upgradation, no medical abnormality has been observed nor he is facing any sort of medical problem. He further states that by declaring him Shape-I on 14.09.2002, his past medical record of Lower Medical Category is of no relevance and nothing adverse remains to be in existence. He further requests that with these observations that he may

continue in service as per the terms of engagement, the present petition may be disposed off.

Learned officer appearing on behalf of the respondents also confirms to this extent that at present the son of the applicant Dafedar Vijay Kumar is posted out from 52 Armoured Regt to Directorate of NCC, Chandigarh and he is very much on the strength of the Army.

Considering the submissions of the applicant's side and after perusal of record, we think it proper that nothing sort of adjudication remains at this stage. The son of the petitioner has been categorised as Shape-I on 14.09.2002 and nothing otherwise is on record. He is very much on the strength. It is directed that he should be continued in service as per the terms of his engagement and his past medical record will not come in any way in his continuing in service.

The present T.A. stands disposed off accordingly. No orders as to costs.

**(Administrative Member)**

**Dated: 19.09.2011**  
**NS**

**MANAK MOHTA**  
**(Judicial Member)**