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

O.A. No.159 of 2010

IN THE MATTER OF:

Subedar D. Rajan

.....Applicant

VERSUS

Union of India & Ors.

.....Respondents

Dated: 10.05.2012

**Present: Mr. S.M. Dalal proxy for Mr. K. Ramesh, counsel for
applicant.**

Lt. Col. Arun Sharma for the respondents.

M.A. No.73/2012

This M.A. has been filed on behalf of the applicant praying to take the legal representatives of the applicant on record. Learned officer for the respondents has no objection if the legal representatives of the applicant are taken on record. Accordingly, the application is allowed. Amended memo of parties be filed.

Application stands disposed of.

O.A. No.159/2010

Put up on 17.08.2012.

**M.L. NAIDU
(Administrative Member)**

**MANAK MOHTA
(Judicial Member)**

**Dated: 10.05.2012
rsk**

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

19.

O.A. No. 159 of 2010

Subedar D Rajan

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. K Ramesh, Advocate.

For respondents: Mr. Satya Saharawat for Mr. Ankur Chhibber, Advocate.

CORAM:

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

HON'BLE LT. GEN. S.S. DHILLON, MEMBER.

ORDER

17.08.2012

1. The Petitioner was enrolled in the Army on 3rd January 1978 and discharged because of the low medical category on 31st December 1999 and that order has been challenged by him in 2010. Learned counsel for the Petitioner submitted that because of the decision of Hon'ble Supreme Court given in the case of **Union of India v. Naib Subedar Rajpal Singh** that the discharge on medical ground can only be by Invaliding Medical Board and not by Release Medical Board and, therefore, on the basis of this judgment the benefit may be given to the Petitioner. But the question is that the Petitioner has approached this Tribunal after almost 11 years, challenging the order of discharge dated 31st December 1999. Subsequently matter has been dealt with by the Hon'ble Delhi High Court wherein their Lordships has considered the matter in the case of **Sub (SKT) Puttan Lal & Ors. v. Union of India & Ors.** (decided on 20th November 2008) and that judgment has been

considered by us in the case of **Rifleman Ram Bahadur Thapa v. Union of India & Ors.** (O.A. No. 176 of 2011 decided on 19th October 2011).

2. Accordingly, this petition is extremely belated and for the reasons stated in the case of **Rifleman Ram Bahadur Thapa v. Union of India & Ors.**, the petition is dismissed. No costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
August 17, 2012
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