

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI
01.**

O.A. No. 326 of 2011

Rect. Upendra Kumar Mishra

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. K. Ramesh, Advocate.

For respondents: Ms. Shilpa Singh, Advocate.

CORAM:

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

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

ORDER
02.02.2012

Heard learned counsel for the parties.

Petitioner vide this petition has sought that medical certificate issued by A.I.I.M.S. of the petitioner may be taken on court record and directions may be issued to respondents to medically re-examine the petitioner for Colour Blindness in the light of AIIMS OPD slip of fitness.

Petitioner was enrolled as a Recruit in the Indian Army on 02.02.2000 and invalided out of service on 18.07.2000 of account of Colour Blindness. Petitioner sought direction to get himself examined from the competent authority of AIIMS and if he is found fit then he can be kept in service. We permitted the petitioner for examination in AIIMS and on receiving of AIIMS report, we sent it back to the Army authorities and directed to examine the petitioner in the light of the AIIMS report. After examining the petitioner, the Medical Board has sent its report in which petitioner is put in Category CP-IV as per that petitioner is unfit for service in Army.

Learned counsel for the petitioner now made a request that this Medical Report of the Army authority may be sent to AIIMS for obtaining an opinion. This cannot be done. Once Army authority after examining the petitioner has taken a view, it is not proper for us to direct that he should be re-examined or the Medical Report of the Army authority should be sent to AIIMS for opinion. This kind of to and fro has to be stopped. However, if petitioner makes a representation to the authority for a change of trade in which he can be retained then his representation may be considered sympathetically.

The petition is disposed of with aforesaid observations. No order as to costs.

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

**S.S. DHILLON
(Member)**

**New Delhi
February 02, 2012
mk**