IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

12.

O.A. No. 343 of 2011

CPL S.C. Mani .....**Petitioner**

Versus

Union of India & Ors. .....**Respondents**

For petitioner: Mr. S.S. Pandey, Advocate.
For respondents: Ms. Sangeeta Tomar, Advocate.

CORAM:
HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER
13.01.2012

Learned counsel for the petitioner has confined his prayer only to the extent that since petitioner is CP-IV, therefore, his case may be referred to Invaliding Medical Board (IMB) since he is not interested in change of his trade.

Learned counsel for the respondents has submitted that petitioner has been absenting for which Court of Inquiry has already ordered.

We are not concerned with the Court of Inquiry but so far as the request of the learned counsel for the petitioner is concerned, we direct that petitioner's case may be referred to IMB. If IMB recommends that he is fit to be retained then orders may be passed accordingly or if otherwise then on that basis, a proper order may be passed.

Learned counsel for the respondents on instructions has submitted that petitioner has now reported back to duty and he has been ordered to face a Medical Board.

Looking to the facts of the case, the case of the petitioner may be referred to IMB and on the basis of recommendation of IMB, whatever action which is required to be taken may be taken in accordance with law. Let this matter may be disposed of within a period of three months.

Petition is accordingly disposed of.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
January 13, 2012
mk