

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

46.

OA 1066/2018 with MA 2884/2019

Col Sudhir Singh (Retd.)

.....Applicant

Versus

Union of India & Ors.

.....Respondents

For Applicant : Mr. Shakti Chand Jaidwal, Advocate

For Respondents : Mr. J.S. Rawat, Advocate

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)

ORDER

17.12.2019

MA 2884/2019

Vide this application, applicant seeks condonation of delay of 262 days in filing rejoinder.

2. In view of the averments made in the application, delay of 262 days in filing the rejoinder is condoned. Same is taken on the record. MA stands disposed off.

OA 1066/2018

By virtue of this O.A., the applicant claims disability element of pension for disability "Bilateral Sensori Nerual Heraring Loss" which was opined to be aggravated by military service and assessment of disability was 20% for life. However, the competent authority reduced the same to 11-14%. Counsel for the applicant refers to the letter dated 20.07.2006 for submitting that as per para 3(b), assessment with regard to percentage of disability as recommended by IMB/RMB and as approved by the next higher medical authority would be treated as final. It further states that in case the approving authority opined that the assessment is high or low, then it can get the

individual re-examined by a Review Medical Board. In the instant case, the assessment made by RMB as 20% was approved by the approving authority. However, the confirming authority has disagreed with the opinion and reduced the percentage to 11-14%.

2. Counsel for the respondents seeks time to take necessary instructions as to the role of the confirming authority and whether he can reduce the same without getting applicant re-examined by the Re-survey Medical Board.

3. List for hearing on **12.05.2020**.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT.GEN. PHILIP CAMPOSE)
MEMBER (A)

nk