

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 340/2023 WITH MA 485/2023

Ex MWO (HFO) Kuldeep Singh Yadav ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Mr. Ajit Kakkar, Advocate

For Respondents : Ms. Jyotsana kaushik, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

MA 485/2023

Keeping in view the averments made in the application and in the light of the decision in Union of India and others Vs. Tarsem Singh (2009(1) AISLJ 371), the delay in filing the OA is condoned.

2. MA stands disposed of.

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3. Invoking the jurisdiction of this Tribunal; under Section 14, the applicant has filed this application seeking conduct of Re-assessment Medical Board.

4. The applicant was enrolled in the Indian Air Force on 06.01.1984 and discharged from service on 30.04.2022. The applicant submits that he was discharged in medical

category A4G1, but no assessment of his disabilities was done, even when the Release Medical Examination records the disabilities he is suffering from.

5. Respondents have filed a short reply, but have not been able to show cause as to why the assessment of the disabilities was not done, in spite of the same being recorded in the Release Medical Examination.

6. We find it pertinent to refer to Point 3 of Part-I: Personal Statement as referred to in the Release Medical Examination, reproduced as under:

“3. Give particulars of any disease wounds or injuries from you are suffering.

<i>Illness/Wound/Injury</i>	<i>First Started</i>		<i>Where Treated</i>	<i>Approx. Dates and Period Treated</i>
	<i>Date</i>	<i>Place</i>		
<i>OA B/L Knee ACL Tear (Lt) Knee (Gd-II) ACL Tear (Rt) Knee (Gd-II) PCL Tear (Rt) Knee</i>	<i>2016</i>	<i>Bagdogra</i>	<i>Bagdogra Delhi Tezpur</i>	<i>2016 to Till date</i>
	<i>2021</i>	<i>Tezpur</i>		

7. Keeping in view that the aforesaid disabilities were recorded in the Release Medical Examination, but no assessment has been done, with the fact that the applicant has been

released in the Low Medical Category A4G1, we find it as a fit case for conduct of Re-assessment Medical Board.

8. Accordingly, we allow this application and direct the respondents to conduct the Re-assessment Medical Board of the applicant within two months from the date of this order.

9. No order as to costs.

Pronounced in the open Court on the 29th day of February, 2024.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C. P. MOHANTY]
MEMBER (A)

Ps
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