

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

45.

MA 4295/2024 IN OA 1862/2021

Ex Nk (ACP Nb Sub) Mohan Lal Nath Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. J P Sharma, Advocate
For Respondents : Mr. Sundeep Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
03.10.2024

MA 4295/2024

This application has been filed by the applicant under Rule 45 of the Armed Forces Tribunal (Practice) Rules, 2009 seeking early hearing of OA No. 1862/2021.

2. Considering the fact that the applicant is 100% visually impaired and is unable to perform his daily routine activities for some years and since the OA involves a minor issue related to the conduct of a Re-assessment Medical Board, we allow the application and direct the office to list the OA for hearing today itself in the supplementary list.

3. Accordingly, the MA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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Supplementary List

1.

OA 1862/2021

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ORDER
03.10.2024

OA 1862/2021

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the prayer made in Para 8 read as under:-

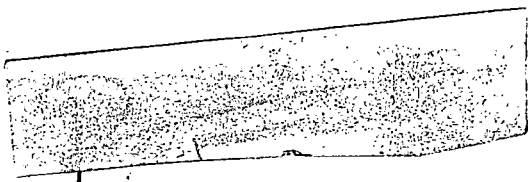
- (a) *Direct respondents to carry out Re-assessment Medical Board of the applicant of his disability "Glaucoma" as per the Entitlement Rules for Casualty Pensionary Awards, 1982 under provision Para 10 of GoI, MoD letter No. 1(1)/81 Pen-C dated 22.11.1983.*
- (b) *Direct respondents to grant disability element of pension as per percentage award by medical board w.e.f. 01.05.2018 along with 10% interest p.m to till payment be made which has not been released willfully.*

2. The applicant was enrolled in the Indian Army (Army Supply Corps) on 28.04.1994 as a Driver (MT) and was

discharged from service on 30.04.2018 under Army Rule 13(3) item (III) (i) upon completion of his term of engagement in the rank of Naik in SHAPE-1 category after rendering 24 years and 02 days of service as evident from the documents marked as Annexure A-2 in OA.

3. The applicant now raises a grievance that post-retirement; he has developed an ailment of Glaucoma which has resulted in 100% blindness. He contended that the disability is a result of the service rendered in the Army. As per the Entitlement Rules for Casualty Pensionary Awards, 1982, under the provision of Para 10 of the Government of India, Ministry of Defence letter No. 1(1)81/Pen-C dated 22.11.1983, the applicant, having developed the ailment within seven years of his discharge is entitled to a Re-assessment Medical Board to evaluate his disability.

4. Upon reviewing the aforementioned facts the applicant's prayer is found to be reasonable as there being no substantial objection raised by the respondents and in the counter affidavit they indicate that steps are being taken for the constitution of the Re-assessment Medical Board as evident from the communication dated 17.08.2021 (Annexure R-6) available on record.



5. Accordingly, we allow this application and direct that upon receipt of a certified copy of this order, the respondents shall constitute the Re-assessment Medical Board for evaluating the applicant's disability within six weeks and shall conduct the Re-assessment Medical Board, obtain the medical report and thereafter decide the applicant's claim, if found entitled, in accordance with the law. The entire process of settling the claim shall be completed within eight weeks from the date of receipt of a certified copy of this order.

6. The applicant is directed to furnish to the respondents his current residential address within three days from today so that all communications regarding the constitution of Re-assessment Medical Board and proceedings of the Medical Board can be sent to him.

7. With the aforementioned directions, the OA stands disposed of.

8. A copy of this order be given '*DASTI*' to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)