

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

32.

MA 3860/2023 WITH MA 5392/2024 IN OA 1017/2019

Lt Col Harvinder Thakur (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Mohan Kumar, Advocate  
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

WITH

33.

MA 2986/2024 IN OA 2476/2021

Sgt Amit Kumar Srivastav (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate  
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

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

ORDER  
26.09.2025

MA 3860/2023

Considering the fact that the writ petition filed by the respondents is listed before the Hon'ble High Court of Delhi on 08.12.2025 and that there is a stay on the order passed by this Tribunal, list the matter on 21.01.2026.

MA 2986/2024

2. This application has been filed seeking execution of the order passed by this Tribunal on 16.10.2023 in OA

No.2476/2024. While disposing of the OA, the following directions were issued in Para 12.

*12. Keeping in view that both the essentials as laid down by the Para 8 (a) of the Entitlement Rules (ER) for Casualty Pensionary Awards, 2008 stands fulfilled in this case, we deem it appropriate to allow the prayers made by the applicant in the subject OA with the direction to the respondents to conduct a re-assessment Medical Board (RSMB) of the applicant for the aforementioned disability within four months of this order and grant the disability element of pension to the applicant, if the applicant is found suffering from the said disability, and it is established that the said disability is attributable to service rendered by the applicant.*

3. The respondents have conducted the RSMB as directed and submitted the same before us. The RSMB was conducted in February 2024 and according to the respondents, it was conducted in accordance with the GMO, 2023, based on the policy and instructions issued on 08.02.2024.

4. The applicant now contends that the RSMB should have been conducted in accordance with the GMO, 2008 and not as per the GMO, 2023. However, the respondents submit that since the GMO, 2023 came into force w.e.f. 21.09.2023 all Medical Boards conducted subsequent to that date are required to be in accordance with GMO, 2023.


5. As a legal issue with regard to the applicability of the GMO is now involved, the same cannot be decided in this execution application. Accordingly, the applicant may

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challenge the RSMB conducted as per the GMO, 2023 afresh in accordance with law, by filing a petition under Section 14 of the AFT Act, 2007, and the same shall be decided in accordance with law.

6. With the aforesaid observations, the MA stands disposed of.



[JUSTICE RAJENDRA MENON]  
CHAIRPERSON



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

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