

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

128.

OA 575/2020 with MA 3252/2024

Smt. Geeta Kumari wd/o Applicant
Late RIS Sanjeev Kumar
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S M Dalal &
Mr. Ajay Yadav, Advocates
For Respondents : Ms. Barkha Babbar, Advocate

CORAM

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

ORDER
17.03.2025

Applicant has filed this application challenging his pre-mature retirement from service on medical grounds. Applicant has been discharged from service on 31.05.2020 on being found to be in low medical category S1H1A1P2 (P)E1.

2. From the facts that have come on record it is seen that the applicant was suffering from Coronary Artery Disease, Silent Anterior Wall MI, Mild LV Dysfunction, Normal Patent Epicardial Coronaries. The applicant was enrolled in the Armoured Corps category and records indicate that he had been put into temporary P3 medical category on account of the ailment from 1st March, 2013 to 1st September, 2013

and in P2 (Permanent), low medical category from 01.09.2013 to 01.09.2015 again in the same category from 01.09.2015 up to 19.09.2021. On review of his medical category after September, 2021 his condition had not improved and he was placed in lower medical category prohibiting him from further employment on account of this medical ailment. He was granted sheltered appointment right from 2013 till his discharge but when his medical category fell down and when there was no sheltered appointment available, he was discharged from service after completing more than 25 years of service.

3. On attaining the age of superannuation he was to retire on 30.06.2022, he invoked the jurisdiction of this Tribunal and during the pendency of the matter he expired and now his legal heirs have been brought on record. The applicant wants that his discharge be set aside, sheltered appointment be granted to him and he be continued in service till 30.06.2022 and but now the question before us is as to what relief can be granted to him after his death to his legal heirs.

4. Admittedly, applicant has been in low medical category, he was granted sheltered appointment and his

claim was to permit him to continue in service which cannot be granted now after his death. The applicant was earning pension as per rules and now we are informed that the applicant's legal heirs, the wife, is getting family pension and other benefits.

5. Taking note of the aforesaid fact that the relief claimed by the applicant is not possible to be granted now after his death, the matter stands disposed of directing the respondent to grant all the post discharge benefits which the applicant is applicable now to his wife in accordance with law, if not already granted.

6. The OA stands disposed of having been rendered infructuous.

7. MA 3252/2024 already stands disposed of vide order dated 06.01.2025, hence no orders are required on this application.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Priya