

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

44.

RA 58/2024 in OA 1464/2022

Ex Powtr Sharma Vishnu Banshilal	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. S M Dalal, Advocate
For Respondents	:	Mr. S S Sinha, Advocate

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

ORDER
11.03.2025

RA 58/2024

This review application has been filed seeking reconsideration of the order passed by this Tribunal on 22.08.2024 in OA 1464/2022. The case of the applicant, in the original application is to the effect that he was discharged from service after completing 16 years and 20 days of service. The Release Medical Board assessed his disability of **Thromboangiitis obliterans (TAO) @ 50%** for five years, stating that it was neither attributable to nor aggravated by military service.

2. Upon reviewing the case, we analyzed the nature of the disability after referring to medical literature and guidelines, including the Guide to Medical Officers (Military Pensions)

2002 and its 2008 amendment. In our findings (from Para 8 onwards), we cited medical literature which describes Thromboangiitis obliterans (TAO) as a disease often linked to smoking, lack of exercise, diabetes, primary hypertension or IHD. Since there was no evidence that the applicant suffered from diabetes, hypertension or IHD, we concluded that he was not entitled to disability benefits and dismissed the application.

3. The applicant now contends that he was discharged from service on 31.07.1999 before GMO 2008 came into existence. He argues that his case should have been evaluated under GMO 1981, which does not explicitly mention this disability/ailment and thus claims an error apparent on the face of the record. However, this argument is legally and factually unsustainable. Our decision was not based on Para 63A of GMO 2008, rather we referred to it only as an aid to understand the nature, causes and medical evaluation of the disease. The GMO is a guideline, not a rule or regulation, it is meant to assist medical officers in assessing disabilities. It was used solely to understand the scientific/medical basis of the ailment, not as the basis for rejecting the claim based on the GMO.

4. Thus, the applicant's contention that his assessment under GMO 2008 is incorrect. Our findings were based on medical and scientific evidence available in the record and not on the application of GMO 2008 principles. Therefore, we find the grounds for this review application to be misconceived and untenable in law. The review application is accordingly dismissed, as there is no error apparent on the face of the record.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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