

**ARMED FORCES TRIBUNAL, CHANDIGARH REGIONAL BENCH
CIRCUIT BENCH AT SHIMLA**

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OA 321 of 2021

Friday, the 01st day of Oct, 2021

CORAM:

HON'BLE MR JUSTICE DHARAM CHAND CHAUDHARY, MEMBER (J)

HON'BLE VICE ADMIRAL HCS BISHT, MEMBER (A)

Puran Chand

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Applicant

(By Mr CDS Guleria, Advocate)

Versus

Union of India and others

.....

Respondents

(By Mr Vikas Sharma, Sr PC)

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ORDER

Learned counsel for the applicant has submitted that the applicant is still suffering from the same disability with which he was suffering at the time of his invalidment from service. He has further submitted that since as per the Invaliding Medical Board proceedings, the disability of the applicant was assessed as 40% for two years only, so the respondents may be directed to hold the Re-survey Medical Board(RSMB) of the applicant .

In view of the above submission of the learned counsel for the applicant, the respondents are directed to hold the RSMB of the applicant within three months from the date of receipt of the copy of this order. If the applicant is found entitled to the disability element of disability pension, his case shall be processed further in accordance with the judgment of the Hon'ble Apex Court in Civil appeal No 4949 of 2013 titled as Dharamvir Singh Vs Union of India & Others decided on 02.07.2013.

With the above direction, this matter is finally disposed of. However, it is made clear that if the applicant feels aggrieved by the administrative authorities, he shall be at liberty to come to this Tribunal again against the order(s) of the authority concerned.

The O.A is disposed of accordingly.

(HCS Bisht)

Member (A)

(Dharam Chand Chaudhary)

Member (J)

01st October, 2021

SKS