

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A.No.1 of 2012

TUESDAY, THE 24TH DAY OF JANUARY, 2012/4TH MAGHA, 1933

CORAM:

HON'BLE MR. JUSTICE JANARDAN SAHAI, MEMBER (J)
HON'BLE LT. GEN. THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

JACOB A.V (EX-15354985 K NAIK
(T/S) OF INDIAN ARMY, AGED 46 YEARS
S/O.SHRI.A.T.VARGHESE
AKUNNATH HOUSE, MALA P.O
THRISSUR DISTRICT
KERALA - 680 732.

APPLICANT

BY ADV. SRI.T.R.JAGADEESH.

VERSUS

1. UNION OF INDIA, REP. BY ITS SECRETARY,
MINISTRY OF DEFENCE, SOUTH BLOCK
NEW DELHI - 110 011.
2. THE CHIEF OF THE ARMY STAFF
INTEGRATED HEAD QUARTERS (ARMY)
SOUTH BLOCK
NEW DELHI - 110 011.
3. OIC RECORDS
THE RECORD SIGNALS,
PIN - 908770, C/O.56 APO.
4. DIRECTOR GENERAL OF MEDICAL SERVICES
ARMY HQs, NEW DELHI-11.
5. PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS
(PENSIONS), OFFICE OF THE PCDA(P)
DRAUPATI GARH, ALLAHABAD-211 014.

RESPONDENTS

BY ADV. SRI.S.KRISHNAMOORTHY, SR. PANEL COUNSEL.

ORDER

Janardan Sahai, Member (J)

The applicant was discharged from Military Service on 31st July, 2003 under Army Rule 13(3) item III(i) on completion of service under Medical Category SHAPE-1. The applicant has filed the present O.A with the averment that while in service during 1997 he developed problems with his eyes and his disability has been described as Retinitis Pigmentation by the Medical Board of the Government Hospital, Thrissur on 29/6/2005. The applicant's case is that as the disability manifested within 10 years of the date of his discharge and it is attributable to Military Service, he is entitled to disability pension. He has prayed in this O.A for a direction to the respondents to conduct a Medical Board to assess the disability of the applicant in terms of Regulation 178 of the Pension Regulation of the Army.

2. Today, when the matter was taken up, learned counsel for the applicant produced before us a copy of the letter dated 3rd January, 2012 of The Records Signals addressed to INHS Sanjivani, Naval Base, Kochi with a copy to the applicant, in

which INHS Sanjivani has been advised to arrange for holding a fresh initial Medical Board. In view of this letter, learned counsel for the applicant states that as the department is proceeding to consider the grievance of the applicant, he does not want to pursue the matter at this stage and prays that the O.A may be disposed of with liberty to the applicant to file fresh O.A in case he is aggrieved by any subsequent development. The departmental representative, Major Asok Rathi, who has seen the letter dated 3rd January, 2012 states that he has no objection to the request made by the applicant's counsel.

3. In the circumstances, we dispose of this O.A as not pressed with liberty to the applicant to approach appropriate forum in case he is aggrieved by any subsequent development.

A copy of the letter dated 3rd January, 2012 be kept on the records of the case.

Sd/-
LT.GEN.THOMAS MATHEW
MEMBER (A)

Sd/-
JUSTICE JANARDAN SAHAI
MEMBER (J)

mds/

(True copy)

Private Secretary