

Form No.4
 [(SEE RULE 11(1))]

IN THE ARMED FORCES TRIBUNAL:
 REGIONAL BENCH, KOLKATA

ORDER SHEET

O.A.No.28/2021

APPLICANT (S) : SEPOY TUTUL BISWAS
 RESPONDENT (S) : UNION OF INDIA & OTHERS
 Legal Practitioner of applicant (s) : Legal Practitioner for Respondent (s)
 Mr.Gunjan Kumar Singh, Advocate : Mr. Debu Chowdhury, Advocate

ORDERS OF THE TRIBUNAL

Order Serial Number :

Dated : 04-04-2024

Heard for some time.

Applicant, as per Annexure A/2, has been discharged from service after being downgraded to low medical category for "seizure disorder". He has disputed his discharge as, according to him, he is not suffering from the said disease.

Learned counsel appearing for the applicant has made an effort to show that it is some psychiatric problem at the initial stage due to which during his training the applicant has experienced "disturbed disorder" and as such his discharge from service is bad in the eyes of law.

Admittedly his release medical board has not been held before his discharge

from service. Applicant filed a representation(Annexure P/2 to the rejoinder) with a request for holding his medical board. However, the same has not been considered.

Since the representation has not yet been disposed of, we deem it appropriate, expedient and in the interest of justice that his medical board is now conducted in the nearest Army hospital on a day to be intimated to him by the medical authorities.

Being so, there shall be a direction to the respondents/competent authority to constitute resurvey medical board in a nearest Army hospital within a period of 8 weeks from today and the name of place, date of examination and time be conveyed to him well in advance. The applicant shall be examined by the board to be so constituted well within the time now granted. Proceedings/report of the board shall be placed on record well before the next date.

List for continuation on 26.06.2024.

Authenticated copy of this order be supplied to the parties on both sides for compliance.

LT GEN SHASHANK SHEKHAR MISHRA
HON'BLE MEMBER(A)

JUSTICE DHARAM CHAND CHAUDHARY
HON'BLE MEMBER(J)

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