

FORM NO.4
(SEE RULE 11 (1))
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No. R.A. No. 12/2015
{Arising out of O.A. No. 02/2012}

APPLICANT (S) Ashoke Kumar Tarafdar

RESPONDENT (S) Union of India & Others

Legal Practitioner for Appellant (s) Legal practitioner for Respondents

Mr. S. K. Choudhury	None
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<u>ORDERS OF THE TRIBUNAL</u>	
<u>Order Serial Number:</u> 3	Dated : 05.10.2015
	<p>Mr. S. K. Chowdhury, Id. counsel appears for the applicant. None appears for the respondents. However, Maj Narendra Singh, OIC Legal Cell HQ Bengal Area is present.</p> <p>The present Review Application has been filed against the order passed by this Tribunal on 24.07.2015 in O.A. 02 of 2012. We find from the record that as a result of an injury the applicant was boarded out from the military service. The Tribunal by its judgement, on the facts and circumstances of the case, found that the applicant's injury was neither attributable nor aggravated by the military service. In the present review application the applicant claimed that his case is squarely covered by the judgement of Punjab and Haryana High Court reported in 2011 Vol.2 SLR 224 – Union of India through Secretary, Ministry of Defence, New Delhi & Ors. Vs. Kushbash Singh. According to him, the accident suffered by the applicant was not inconsistent with the military service. On this plea the applicant wants us to re-appreciate the judgement passed by the Tribunal in O.A. 02 of 2012.</p>

The Court's power to review its judgement is limited to the question as to whether there is any error apparent on the face of the record. Any issue which requires debate on merit is beyond the power and scope of review. The Court cannot enter into the merits of the decision in order to correct the same. The applicant could not indicate any error or mistake which is apparent on the face of the record in the present review application. The Tribunal had clearly come to the conclusion that the accident suffered by the applicant would be inconsistent with the military service and it was neither attributable nor aggravated by the military service.

In view of the above, the present review application deserves to be dismissed and accordingly we dismiss the present review application.

The learned advocate for the applicant has made an oral prayer for leave to appeal before the Hon'ble Apex Court. On perusal of record, we do not find any question of law of public importance which is required to be decided by the Hon'ble Apex Court. Accordingly the prayer for leave to appeal before the Hon'ble Apex Court is rejected.

(Lt Gen Gautam Moorthy)
Member (Administrative)

(Justice Sunil Hali)
Member (Judicial)