

[(SEE RULE 11(1))]

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

O.A. No. 38 of 2016

APPLICANT (S) : CAPT Biplabendra Chanda (Retd)
RESPONDENT (S) : Union of India & Others
Legal Practitioner of applicant : Legal Practitioner for Respondent (s)

Mr. Subhash Chandra Basu

Mr. Sauvik Nandy

	<u>ORDERS OF THE TRIBUNAL</u>
	Order Serial Number : 10 Dated : 02-05-2017
	<p>Heard the learned counsel appearing for the parties.</p> <p>2. The applicant, who has been prematurely released on his own request on 18.5.1982 after rendering non-commissioned service for a period of five years six months and commissioned service for a period of 14 years one month totaling 19 years 7 months, has filed this application praying for disability element of the pension contending that since the applicant at the time of release from service was found to have suffered from the disability, viz. "Fracture Hip Bone Severe" attributable to service as commented by the Commanding Officer, he is entitled to the disability element of the pension. The applicant in support of his contention has annexed two pages of the Release Medical Board dated 5.5.1982 apart from the report on accidental and self-inflicted injuries-officers.</p> <p>3. It appears from the Release Medical Board proceedings that whatever has been filed by the applicant is not complete as the report containing the nature of the disablement as well as the percentage thereof apart from its attributability or aggravation by service are not available.</p> <p>4. In view of above, the respondents are directed to produce the complete aforesaid Release Medical Board proceedings subject to its availability. In case such records are not available the reason there-for shall be disclosed by an affidavit to be filed.</p> <p>5. The respondents shall also produce the Long Roll or any other documents relating to the medical condition of the applicant at the time of release, on the next date fixed.</p>

6. The respondents are also at liberty to file the counter affidavit, if so advised, within a period of 10 days from now.
7. List the case on 15.6.2017 for hearing.
8. Let a plain copy of this order, duly countersigned by the Tribunal Officer, be furnished to the parties upon compliance of requisite formalities.

(LT GEN GAUTAM MOORTHY)
MEMBER(ADMINISTRATIVE)

(JUSTICE B.P. KATAKEY)
MEMBER (JUDICIAL)