

**FORM NO – 4**

**(SEE RULE 11 (1))**

**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA**

**ORDER SHEET**

**APPLICATION No : O A 56 of 2012**

APPLICANT (S)	Tanmoy Ghosh
RESPONDENT (S)	<u>Union of India &amp; 3 Ors</u>
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
Mr. S.C.Hazra	None

NOTES OF THE REGISTRY	<b><u>ORDERS OF THE TRIBUNAL</u></b>
	Order Sl. No. : 15 Dated : 10.05.2013
	<p>Mr. Subhash Chandra Hazra, Id. adv. is present for the applicant. Mr. Tapas Kumar Hazra, Id. adv. on record for the respondents is not present. Lt. Col. Anil Chandra, OIC, Legal Cell, HQ, Bengal Area submits on behalf of Mr. Tapas Kr. Hazra that on account of his personal health ground he could not be present. We find that the matter can be disposed of at this stage on the basis of record and we proceed to do so.</p> <p>Briefly the matter relates to the applicant, who was enrolled in the army on 22.10.2010 and was discharged on 10.2.2012 being medically invalidated out of service after only one year, three months and nineteen days of service. However, as per medical board proceedings, the disability of the applicant was considered as aggravated by the stress and strain of military service and the percentage of disability was assessed at 30% for life. On that account, the authorities, after the matter was filed in this Tribunal, in consonance with our previous orders, have released disability pension along with service element in favour of the applicant on 1.2.2013. To this effect, they have produced a copy of the PPO which was perused by us. Mr. Subhash</p>

Chandra Hazra, Id. adv. for the applicant has also admitted that his client is in receipt of disability pension and he has no further grievance in this matter and he is fully satisfied with the action taken by the respondents.

We, however, find that the applicant in his prayer portion of the OA, has prayed for his reinstatement in service although he was invalidated out of service under Army Rule 13(III(iv) i.e. "unlikely to become an efficient soldier", while he was a recruit in training centre. We find that there is no case made out by the applicant to be reinstated in service, and therefore, this prayer has no merit which is accordingly rejected.

However, it is submitted by the Id. adv. for the applicant during the course of arguments, that in case the applicant could not be reinstated, he should at least be paid his due disability pension and we find that this aspect has already been taken care of by the respondents by granting him disability pension as admissible under the rules.

In view of the above, nothing survives in this OA to be adjudicated upon and the same is accordingly disposed of with the observation made above. There will be no order as to costs.

The original records be returned to the respondents on proper receipt.

Let a plain copy of the order duly countersigned by the Tribunal Officer be furnished to both sides.

(LT. GEN K.P.D.SAMANTA)  
MEMBER(A)

(JUSTICE RAGHUNATH RAY)  
MEMBER(J)