

Form No.4

[(SEE RULE 11(1))]

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

O.A. No. 118 of 2017

APPLICANT (S) : EX-RECT Manas Kumar Pandua

RESPONDENT (S) : Union of India & Others

Legal Practitioner of applicant Legal Practitioner for Respondent (s)

Mr. S.K. Choudhury None

ORDERS OF THE TRIBUNAL

Order Serial Number : 84

Dated : 18.12.2017

CORAM : HON'BLE MR. JUSTICE V.S. RAVI, MEMBER (J)
HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (A)

Present : Mr. S.K. Choudhury, Ld. Advocate for the applicant. None for the respondents. Maj Deepali Malhotra, Departmental representative.

1. Heard the learned counsel appearing for the applicant.
2. The learned counsel for the applicant strongly relied upon the judgment passed by the Hon'ble Supreme Court in the case of **Dharamvir Singh vs. Union of India** in Civil Appeal No. 4949 of 2013 (arising out of SLP (C) No. 6940 of 2010) wherein the Hon'ble Supreme Court has held as follows :

"If a person at the time of entry into service was in sound mental and physical health and no entry of any disability exists in his record, then any disability occurring to the individual would be deemed to have occurred in service and would be attributed to and aggravated by military service and therefore such a person would be entitled to disability if it is 20 per cent or more."

3. Relying on the above decision of the Hon'ble Apex Court and having considered the grounds made in the OA, the OA is admitted. Copy of the OA has already been served on the respondents.

4. List the matter on 01.02.2018 for hearing. In the meantime, the respondents may file their reply, if any, after serving a copy of the same on the other side.

(LT GEN GAUTAM MOORTHY)
MEMBER(ADMINISTRATIVE)

(JUSTICE V.S. Ravi)
MEMBER (JUDICIAL)