

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 1759/2025

Uttam Singh

.....Applicant(s)/Petitioner(s)

Through :- Mr. B.S. Manhas, Advocate

v/s

UOI and Ors.

.....Respondent(s)

Through :- Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER
30.09.2025

1. The judgment impugned dated 02.12.2024, passed by the Armed Forces Tribunal, Regional Bench Srinagar at Jammu [“the Tribunal”] in OA No. 16/2023 titled Lt. Col. Uttam Singh vs. Union of India and others is called in question by the petitioner by filing this petition under Article 226 of the Constitution of India on the ground that the Tribunal has failed to appreciate that the petitioner was not put up before the Resurvey Medical Board even after making specific representation in this regard.
2. Having heard learned counsel for the parties and perused the material on record, we find that the petitioner was initially recruited as Education Havildar on 16.11.1964 and was commissioned in the Indian Army on 21.12.1969. The petitioner claims that during the 1971 War, he suffered bullet injuries on his left and right ears which resulted in temporary downgradation of his medical category. The

petitioner was discharged on completing his term on 31.03.1995 in the rank of Lieutenant Colonel.

3. At the time of his discharge, the Release Medical Board determined his hearing disability as 14-19% for two years. It is the grievance of the petitioner that thereafter he was not put up before the Resurvey Medical Board. He claims that he approached the respondents for conducting Resurvey Medical Board in the year 2016, but the same was refused by the respondents on the ground that there was inordinate delay in approaching the respondents.
4. Feeling aggrieved, the petitioner filed OA No. 16/2023 before the Tribunal which has been disposed of in terms of the judgment impugned before us.
5. Learned counsel for the petitioner submits that the only grievance which the petitioner has against the judgment impugned is that the Tribunal has not granted his prayer for conducting Resurvey Medical Board, which, in the opinion of the learned counsel for the petitioner, was only an innocuous prayer made.
6. We have given our thoughtful consideration to the relevant contentions and are of the view that, though, the petitioner has approached the respondents belatedly i.e. in the year 2016, yet his right to be examined by the Resurvey Medical Board cannot be denied.
7. As a matter of fact, after completion of two years from the date of his discharge, he ought to have been put up before the Resurvey Medical Board. It seems that because of his own indolence, the Resurvey

Medical Board could not be conducted immediately after expiry of two years in the year 2016. The petitioner approached the respondents by way of his representation. Nothing should have come in the way of the respondents to at least get the petitioner examined by the Resurvey Medical Board. The ultimate decision to be taken by the authorities was dependent upon the opinion of the Resurvey Medical Board.

8. For all these reasons, we dispose of this petition with a direction to the respondents to put up the petitioner before the Resurvey medical Board on the date and place to be fixed by the respondents. In case the petitioner appears voluntarily before the Board, he shall be examined by the Resurvey Medical Board to find out the war injury or the disability, if any, suffered by him at the time of his discharge and whether such disability has been continuing as on date. The decision with regard to the entitlement of the petitioner to the disability pension or war pension shall depend upon the opinion of the Board.
9. It needs no reiteration that in case the petitioner is found suffering from a disability attributable or aggravated by Army Service, he would be entitled to the disability element of the pension only prospectively.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
30.09.2025
Manik