

WPA 16812 of 2023**Sepoy Tutul Biswas**
vs.
Union of India & Ors.

Mr. Gunjan Kumar Singh

...for the petitioner

Mr. Partha Ghosh

...for the Union of India

The petitioner was enrolled in the Indian Army as Sepoy Chef on September 20, 2015. The petitioner was discharged from service with effect from September 30, 2020 due to diagnosis of 'seizure disorder'. The petitioner was discharged from service without being examined by the Release Medical Board (RMB). The petitioner filed an application before the Armed Forces Tribunal (AFT) sometime in or around April, 2021. The said application was filed for release of the disability pension of the petitioner. During the pendency of the original application being O.A. 28 of 2001, the petitioner got himself medically examined at the R.G. Kar Medical College and Hospital. From the said MRI Report of the brain of the petitioner, it appears that the petitioner had no abnormality of brain.

The petitioner filed an application being M.A. 13 of 2021 dated May 6, 2021 for

amendment of the original application and for reinstatement of the petitioner.

The petitioner also prayed for a medical board to be constituted afresh for examining the medical condition of the petitioner.

Mr. Singh, learned counsel appearing on behalf of the petitioner submits that despite the pendency of the application since 2021, no relief has been given to the petitioner by the AFT.

Mr. Ghosh, learned counsel appearing on behalf of the respondents submits that the AFT was in session in November 2022 as well as between July 17, 2023 till July 21, 2023. In the event, the petitioner writes to the Registrar, the petitioner's case could be considered and disposed of virtually.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that in the event the petitioner writes to the Registrar, AFT within a period of one week from date by showing the urgency of the petitioner's case, the petitioner's original application will be considered and disposed of either physically or virtually within a period of 3 (three) months from date by the AFT.

It is made clear that this Court has not gone into the merits of the writ petition.

With the directions aforesaid, **WPA 16812 of 2023** is **disposed of**.

Since no affidavits have been called for in the writ petition, the allegations contained therein be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J)