

2024.PHHC:108689-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-20015-2024 (O&M)
Date of Decision: 20.08.2024**

UNION OF INDIA AND OTHERS

...Petitioners

Versus

SL-3055P COL (TS) BABU RAJENDRA PRASAD TURLAPATI
AND ANR

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. N.K. Vashist, Advocate,
for the petitioners (Senior Panel Counsel-UIO).

SUDHIR SINGH, J.

The petitioners have filed the present writ petition for issuance of a writ in the nature of Certiorari quashing the order dated 07.09.2021 (Annexure P-1), passed by the learned Armed Forces Tribunal (For short 'the AFT'), whereby the Original Application filed by the respondent No.1, has been disposed of with a direction to the petitioners (respondents before the learned AFT) to hold the Re-survery Medical Board of respondent No.1 within three months from the date of receipt of the copy of the said order, in terms of the judgments of Hon'ble Suprme Court in Dharamvir Singh Vs. Union

of India & Others, (2013)7 SCC 316 and Union of India Vs. Rajbir Singh, (2015) 12 SCC 264.

2. Learned counsel appearing for the petitioners vehemently argues that respondent No.1 was enrolled in the Indian Army on 25.07.1983 and he retired therefrom on 01.06.2008 on attaining superannuation. It is further submitted that at the time of his retirement, he was brought before the Release Medical Board, which assessed 'Diabetes Mellitus Type-II' (disability suffered by the petitioner) at 15-19% but neither attributable to nor aggravated by the military service for net assessment qualifying for disability element. It is further submitted that the claim of respondent No.1 for disability pension was rejected by the authorities on 13.03.2019. The first appeal filed by respondent No.1 was also dismissed on 11.07.2019, and the second appeal rejected on 20.02.2020. It is further argued that the learned AFT has entertained the Original Application filed by respondent No.1 without considering the aforesaid factual aspects of the matter.

3. We have heard learned counsel for the petitioners and have also gone through the paper book including the impugned order passed by the learned AFT.

4. A perusal of the impugned order would show that the petitioners (respondents before the learned AFT) have been directed to hold the Re-survey Medical Board of respondent No.1 within three months and, if found suffering from the same disability, to process his case in view of the law laid down by the Hon'ble Supreme Court in Dharamvir Singh's case and Rajbir Singh's case (supra).

5. As no adverse order has been passed against the petitioners, we do not find any ground to interfere with the impugned order.

6. Accordingly, the present writ petition is dismissed.

[SUDHIR SINGH]
JUDGE

[KARAMJIT SINGH]
JUDGE

20.08.2024
Himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No