



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CM-15574-CWP-2025 & CM-15575-2025 in
CWP-22662-2025
Date of Decision :27.02.2026

Som Dutt

...Petitioner

Versus

Secretary, Defence, Ex-Servicemen
Welfare, The Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Manish Bhatnagar, Advocate for the petitioner.

Mr. Rohit Verma, Sr. Panel Counsel for respondents-UIO
(joined through V.C.)

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Harsimran Singh Sethi, J. (Oral)

CM-15574-CWP-2025

1. Present application has been filed for revival of the main writ petition which was disposed of by this Court vide order dated 18.08.2025.
2. Notice of the application was given to the respondents.
3. No reply to the application has been filed by the respondents despite expiry of more than three months hence, it can be safely presumed that the respondents have no objection in recalling the order dated 18.08.2025 passed by this Court.
4. Keeping in view the above, application is allowed. Order dated 18.08.2025 passed by this Court is recalled and the writ petition is taken up for hearing today itself.

CWP-22662-2025

5. In the present petition, the challenge is to the impugned order



dated 30.05.2025 (Annexure P-1) passed by Armed Forces Tribunal, Regional Bench Chandigarh (hereinafter referred to as 'the Tribunal') by which, the Original application filed by the petitioner was dismissed by the Tribunal on the ground that the opinion of the Release Medical Board has not been brought on record.

6. Learned counsel appearing for the petitioner argues that in case, the opinion of the Release Medical Board was not produced by the petitioner, nothing stopped the respondents who are the custodian of the said report to place on record the same. Learned counsel appearing for the petitioner further submits that the Tribunal rather than adjudicating the claim of the petitioner on merits, forced the petitioner to bring on record the same rather than securing the same from the respondents to decide the issue with regard to the claim raised by the petitioner before the Tribunal.

7. Learned counsel appearing for the respondent-UOI on the other hand submits that though, opinion of the Release Medical Board was available with the respondents but the respondents -UOI was not asked to place on record the same.

8. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

9. Once, a soldier has approached the Tribunal raising a grievance, it is the duty of the Tribunal to adjudicate the same on merit as far as possible. In case, any document is needed and the same is in the custody of the Union of India, the same could have been sought from the Union of India and could be brought on record to decide the validity/adjudication of the claim raised.



10. Keeping in view the totality of the fact and circumstances of the present case, impugned order dated 30.05.2025 (Annexure P/1) passed by the Tribunal is set aside and the case is remanded back to the Tribunal for fresh adjudication. It shall be open to either the petitioner or the respondents- Union of India to place on record the opinion of the Release Medical Board before the Tribunal for correct appreciation of the claim raised.

11. Learned counsel for the respondents submits that the petitioner should behave in a manner required before the competent Court of law rather than daring the Court to pass an order.

12. The said aspect i.e. conduct of the petitioner is not appreciated. Once, the relief is being claimed, the same should be claimed in a manner required rather than daring the Court to pass an order.

12. Learned counsel for the petitioner has tendered unconditional apology on behalf of the petitioner and submits that the act as recorded in the impugned order will not be repeated henceforth and further due apology will be submitted to the Tribunal as well, when petitioner appears before the Tribunal in pursuance to this order.

13. Present petition is disposed of in above terms.

14. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 27, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No