



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

112

CWP-27404-2025

Date of Decision: 15.09.2025

Union of India and others

....Petitioners

Versus

Ex Hav Dharminder Singh and another

....Respondents

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

Present: Mr. Vikas Sharma, Advocate for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 25.11.2024 (Annexure P-1) passed by Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), whereby a direction is issued to the petitioners to hold a Re-survey Medical Board (RSMB) so as to assess whether the disability which respondent No.1 was suffering at the time of discharge still remains or not, which is arbitrary or illegal.

2. The learned counsel appearing on behalf of the petitioners submits that the Re-survey Medical Board (RSMB) could not have been directed to be conducted by the Tribunal, as by placing reliance upon the report of the Release Medical Board that the disability "*Transient Ischemic Attack (G45.9)*" as assessed at less than 20% which was held to be neither attributable nor aggravated by the military service. Hence, the direction given by the Tribunal vide order dated 25.11.2024, is incorrect.



3. We have heard learned counsel for the petitioners and have gone through the case file with his able assistance.

4. It may noticed that for the correct appreciation of the facts, reference is to be made of the order dated 25.11.2024 (Annexure P-1) passed by the Tribunal is as under:-

“During the course of arguments learned counsel for the applicant has prayed that his only prayer is that the respondents may be directed to hold the Re-survey Medical Board of the applicant because he is still suffering from the same disability with which he was suffering at the time of his discharge from service.

In view of the above submission of the learned counsel for the applicant, the respondents are directed to hold the RSMB of the applicant within three months from the date of receipt of the copy of this order. If the applicant is found entitled for any relief on the basis of RSMB so conducted, his case shall be processed further in accordance with law.

With the above direction, this matter is disposed of. However, it is made clear that if the applicant feels aggrieved by the administrative authorities, he shall be at liberty to come to this Tribunal again against the order(s) of the authority concerned.”

5. A bare perusal of the reproduction of the above order would show that only a direction given is to re-assess the disability of respondent No.1 and thereafter take appropriate action, which cannot be treated as arbitrary or illegal or perverse to any settled principle of law. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

6. No other argument has been raised.



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7. Accordingly, the writ petition is dismissed.
8. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURJ)
JUDGE

September 15, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No