

**CWP-27010-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(109)****CWP-27010-2025****Date of Decision : September 11, 2025****Union of India and others****.. Petitioners****Versus****Ex- Sepoy Anoop Singh and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI****Present: Ms. Sonia Sharma, Senior Panel Counsel,
for the petitioners.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 23.11.2021 (Annexure P-1) passed by respondent No.2- The Armed Forces Tribunal, Chandigarh Bench (hereinafter referred to as 'Tribunal') wherein, direction has been given that the Re-survey Medical Board (RSMB) be constituted so as to assess the percentage of disability of the respondent No.1.

2. Learned counsel for the petitioners submits that the said directions could not have been given by the Tribunal as, the respondent No.1 had approached the Tribunal after a long delay from the date he was invalidated out of service.



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3. We have heard learned counsel for the petitioners and have gone through the record with her able assistance.

4. The order dated 23.11.2021 (Annexure P-1) passed by the Tribunal is as under:

“ A copy of the order dated 24.07.2006 of Delhi High Court filed today across the board by the learned counsel for the respondents is taken on record.

From the perusal of the aforesaid order of Delhi High Court, it is clear that Writ Petition bearing No CWP 4201/2000 filed in the Delhi High Court has been decided and the file was ordered to be consigned to record room. From the aforesaid order, it is also clear that the High Court has also directed that if the representation of the applicant is rejected by the military authorities concerned, the order so passed shall be communicated to the applicant. The copy of the rejection orders passed by the concerned military authorities filed by the applicant are available at page 32 and 33 as Annexure A-3 and a-4 of the Paper Book. From the side of the respondents also, a copy of the rejection order has been filed as Annexure R-10.

As per the Invaliding Medical Board proceedings, the disability of the applicant was assessed as 20% for two years.

Now the simple prayer of the learned counsel for the applicant is that the applicant is still suffering from the same disability with which he was suffering at the time of his invalidment from service. He has further submitted that since as per the Invaliding Medical Board proceedings, the disability of the applicant was assessed as 20% for two years only, so the respondents may be directed to hold the Re-survey Medical Board (RSMB) of the applicant.

In view of the above submission of the learned counsel for the applicant, the respondents are directed to hold the RSMB of

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the applicant within three months from the date of receipt of the copy of this order. If the applicant is found entitled to the disability element of disability pension, his case shall be processed further in accordance with the judgment of the Hon'ble Apex Court in (2013) 7 SCC 316 dated 02.07.2013 titled as Dharamvir Singh Vs Union of India & Others decided on 02.07.2013 and in that case the arrears shall be restricted to three years prior to the date of filing of this Original Application, i.e., 09.01.2017.

With the above direction, this matter is finally 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.

The O.A is disposed of accordingly.”

5. A bare perusal of the above would show that the only direction was given to conduct the Re-survey Medical Board (RSMB) so as to find out whether the respondent No.1 is still suffering from the disease which led to his invalidation or not. The said direction need not to be interfered especially after a period of four years of the said direction given to the petitioners. A writ petition is being filed after four years rather than constituting a Re-survey Medical Board to assess the percentage of disability of the respondent No.1.

6. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

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7. At this stage, learned counsel for the petitioners submits that the Re-survey Medical Board (RSMB) has already been constituted and the respondent No.1 has already been examined.

8. That being so, the impugned order dated 23.11.2021 (Annexure P-1) has already been complied with.

9. Keeping in view the said fact, no interference is called for by this Court.

10. Accordingly, the writ petition is dismissed.

11. As four years period has already elapsed, petitioners are directed to comply with the remaining direction within a period of eight weeks from the date of receipt of copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

September 11, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No