

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI

R.A.No.21 of 2013
in
O.A.No.06 of 2013

Thursday, the 16th day of January 2014

THE HONOURABLE JUSTICE V. PERIYA KARUPPIAH
(MEMBER-JUDICIAL)
AND
THE HONOURABLE LT GEN ANAND MOHAN VERMA
(MEMBER-ADMINISTRATIVE)

Ex No 14529054H Sep
B Suresh Babu, aged 52 years
S/o Shri B Narasimhulu Naidu
Head Office: EME Records
Home address:
Door No.2-195/2A, Gurunagar Colony
District Chittor (AP), Pin Code 517 001.

... Applicant
/Applicant

By Legal Practitioner:
Applicant in person

vs.

1. The Commandant
Army Base Hospital, Delhi Cantt.
New Delhi, Pin:110 010.

2. The Chief Record Officer EME Records
Pin:900453, C/o 56 APO.

... Respondents
/Respondents

By Mr. B.Shanthakumar, SPC

ORDER

(Order of the Tribunal made by
Hon'ble Lt Gen Anand Mohan Verma,
Member-Administrative)

1. The petitioner has filed this Review Application requesting for reviewing the order of this Tribunal dated 5th June 2013 in O.A.06 of 2013 by granting service element disability pension with 50% disability with effect from the date of discharge, i.e. 29.12.1977.

2. The petitioner in his Review Application would state that the points raised in this R.A. are those his legal counsel Mr. M.K. Sikdar should have raised in his Original Application No.6 of 2013 when it was in progress due to which his case failed. The petitioner would go on to state the facts of his enrolment and Invaliding Medical Board in April 1984. He would state that when he was examined by a Medical Board at Base Hospital, Delhi Cantt., he was told by the medical specialist that since he had come through Court order, his disability percentage had been increased adding that since the petitioner knew the rules well he should get pension from Court. The petitioner would state that he noticed egoism and vindictive attitude in the medical officer as if he had challenged their profession. Though the petitioner's disability was increased to 40% for life, yet he was not recommended for grant of disability pension. The petitioner would state that the judgment dated 5th June 2013 passed by this

Tribunal was not satisfactory due to the reasons stated in the order itself, viz., the case of **A.V. Damodaran**, disability does not fulfil the conditions of Para 173 of Pension Regulations for the Army 1961 and the relief was not granted since two Medical Boards had opined that the IDs are not attributable to nor aggravated by military service. The petitioner would while agreeing that the opinion of the Medical Board must be given due weightage, since the disease occurred during the service, it should be held attributable to or aggravated by military service. The petitioner would go on to cite various sections of Entitlement Rules in support of his case stating that since he was invalided out of service, the conditions stipulated in Section 173 of Pension Regulations for the Army 1961 are fulfilled. The petitioner sums up his case by stating that it was incumbent on the medical authorities to give reasons as to why the disease could not be detected at the time of entry into service and in the absence of any justified reasons on the part of the medical authorities it is reasonable to presume that the disease arose/was aggravated by military service thus entitling the petitioner for disability pension.

3. The Senior Panel Counsel Mr. B.Shanthakumar would highlight relevant portions of the Review Application and state that the conditions for reviewing an order have not been fulfilled, i.e., no typographical error or factual error in the judgment has been brought out and the Review Application lists no new facts which necessitate review of the order.

4. We have carefully examined the Review Application and find that no new facts have been brought forth by the petitioner. All the relevant issues raised by the petitioner in this R.A. were considered before passing the order in O.A. No 06/2013. Egoism and vindictive attitude of the medical authorities are allegations which are not only not sustainable but also unwarranted. The petitioner has not brought out any typographical or factual errors which necessitate review. Therefore, we are inclined to dismiss this Review Application.

5. In fine, this Review Application is dismissed being devoid of merit. No costs.

Sd/
LT GEN ANAND MOHAN VERMA
MEMBER (ADMINISTRATIVE)

Sd/
JUSTICE V. PERIYA KARUPPIAH
MEMBER (JUDICIAL)

16.01.2014
(true copy)

Member (J) – Index : Yes/No
Member (A) – Index : Yes/No

Internet : Yes/No
Internet : Yes/No

Vs

To:

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District Chittor (AP), Pin Code 517 001.
Applicant in person
4. Mr. B.Shanthakumar, SPC
For respondents.
5. OIC, ATNK & K Area HQ, Chennai.
6. Library, AFT/RBC, Chennai

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