

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI
CIRCUIT BENCH AT HYDERABAD**

O.A.No.29 of 2015

Wednesday, the 20th day of January 2016

THE HONOURABLE JUSTICE S.S. SATHEESACHANDRAN
(MEMBER - JUDICIAL)

AND

THE HONOURABLE LT GEN K. SURENDRA NATH
(MEMBER – ADMINISTRATIVE)

P.Lingamaiah, aged 44 years
6385923K, Ex-NK/TS
S/o Late P.Ramachandraia
R/o H.No.13-6-267/116-A
Satyanarayana Nagar, New Jaffer guda
Karwan, Hyderabad-500 067.

... Applicant

By Legal Practitioners:
M/s. G.S Rao, G.Pavana Murthy
& G.Arunashree.

vs.

1. Union of India, rep. by its
The Secretary, Ministry of Defence
Government of India
101, South Block
New Delhi.

2. The Officer In charge
Army Supply Corps (Animal Transport)
Bangalore, Karnataka State.

3. The Principal Controller Defence Accounts
(CDA) (Pension), Allahabad, U.P.

4. Chief of Army Staff, Army Head Quarters
Integrated DHQ, P.O. New Delhi-110 011.

.. Respondents

Mr K L N Raghavendra Reddy, Counsel, for
Mr. B Narayana Reddy, ASGI

ORDER

(Order of the Tribunal made by
Hon'ble Lt Gen K Surendra Nath, Member-Administrative)

The applicant, Ex N k (TS) P Lingamaiah has filed this O.A requesting for Resurvey Medical Board, for his disability 'Psoriasis Vulgaris', on account of aggravation of the disease since his retirement and to grant him disability pension and consequential benefits.

2. Briefly, the applicant was enrolled in the Army on 09.03.1988 and was discharged from service with effect from 01.04.2007 on completion of his terms of engagement. The applicant was suffering from disease, Psoriasis Vulgaris' and the Release Medical Board, at the time of discharge, had opined that the said disease was aggravated due to military service. Further, the degree of disability was assessed at 15-19% for life. However, he was not granted any disability pension since the percentage of disability was below 20%. The applicant states that since his retirement from service, his disease has aggravated and hence he has requested that he be produced before a Resurvey Medical Board for assessing his present medical condition and to grant him disability pension. He has also produced relevant medical documents to support his claim of aggravation.

3. We have heard the arguments of Mr.G.Pavana Murthy, learned counsel for the applicant and Mr.K L N Raghavendra Reddy, Counsel representing Mr.B Narayana Reddy, ASGI assisted by Capt Tarun Kalra, JAG Officer (Army) appearing on behalf of respondents.

4. From a perusal of the Release Medical Board proceedings, Service documents and other relevant documents placed before us, we observe that

the applicant was discharged from service on 01.04.2007 and was declared to be suffering from the disease 'Psoriasis Vulgaris' with the degree of disability having been assessed at 15-19% for life and the said disease has been opined as aggravated due to military service. We further observe that since the applicant had retired on 01.04.2007, and as he is within the 10 year period from the date of discharge, he is entitled to ask for a Resurvey Medical Board in case of aggravation, in accordance with para 178-A of Pension Regulations for the Army, 1961. For better understanding, the relevant paragraph is reproduced below:

"178-A. In cases where an individual's disability or its aggravation at the time of invaliding is permanently below pensionable degree, he may claim to be brought before a medical board within a period of 10 years from the date of his discharge. If the disability is still assessed as permanent below the pensionable degree no claim for re-assessment shall be considered."

5. In view of the foregoing, the applicant may ask the competent authority to constitute a Resurvey Medical Board and, on such application having been made, the competent authority is directed to convene a Resurvey Medical Board to assess the present medical condition of the applicant and to grant him disability pension and other consequential benefits, if otherwise entitled to.

6. The OA is accordingly disposed of. No order as to costs.

Sd/-
Lt Gen K Surendra Nath
Member (Administrative)

Sd/-
Justice S.S.Satheesachandran
Member (Judicial)

20.01.2016
True copy

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

Internet : Yes/No
Internet : Yes/No

To:

1. The Secretary, Ministry of Defence
Government of India
101, South Block
New Delhi.
2. The Officer In charge
Army Supply Corps (Animal Transport)
Bangalore, Karnataka State.
3. The Principal Controller Defence Accounts
(CDA) (Pension), Allahabad, U.P.
4. Chief of Army Staff, Army Head Quarters
Integrated DHQ, P.O. New Delhi-110 011.
5. M/s. G.S. Rao, G.Pavana Murthy
& G.Arunashree
6. OIC, Legal Cell (Army)
HQ DAKSHIN BHARAT AREA, Chennai.
7. Library, AFT/RBC, Chennai.

HON'BLE JUSTICE S.S. SATHEESACHANDRAN
(MEMBER-JUDICIAL)
AND

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