

ARMED FORCES TRIBUNAL REGIONAL BENCH, KOCHI

T.A.NO. 6 OF 2011

(W.P.NO,61061/2009 OF THE KARNATAK CIRCUIT BENCH AT DHARWAD)
WEDNESDAY, THE 6TH DAY OF MARCH, 2013/15TH PHALGUNA, 1934

CORAM:

HON'BLE MR. JUSTICE SHRIKANT TRIPATHI, MEMBER (J)
HON'BLE LT.GE.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

APPLICANT:

PRAVIN KRISHNA CHOUGULE,
S/O.KRISHNA CHOUGULE, AGED 23 YEARS,
OCC : NIL (DISCHARGED FROM SERVICE)
R/O.K.H.KANGRALI,
TQ. & DISTRICT BELGAUM.

M/S.GOULAY ASSOCIATES, DHANWAD.

VERSUS

RESPONDENT:

1. THE UNION OF INDIA,
SECRETARY, MINISTRY OF DEFENCE ,
SOUTH BLOCK, NEW DELHI - 110 011.

BY ADV.SRI.S.KRISHNAMOORTHY, SENIOR PANEL COUNSEL.

O R D E R

Shrikant Tripathi, Member (J):

1. None is present for the applicant. Heard Mr.S.Krishnamoorthy for the respondents and perused the record.

2. The applicant filed W.P.No.61061 of 2009 in the Hon'ble

High Court of Karnataka challenging his discharge from the Army and ultimately prayed for a direction to the respondents to consider his representations (Annexures C and D). On the establishment of the Armed Forces Tribunal, the aforesaid writ petition was transferred to the Tribunal under Section 34 of the Armed Forces Tribunal Act and has been registered here as T.A.No.6 of 2011.

3. The applicant was invalided out of service on the recommendation of the Invaliding Medical Board due to the disability "Unspecified Psychosis". The contention on behalf of the applicant is that the applicant had no disability and was quite well. In support of his submissions the applicant relied upon the opinion of District Hospital, Belgaum. The appellant did not challenge the opinion of the Invaliding Medical Board before the appeal Medical Board and felt satisfied with the opinion which was made as the basis of his discharge. In our view, the opinion of the Invaliding Medical Board cannot be over ruled on the basis of the opinion of the doctor of the District Hospital, Belgaum which

is a civil hospital.

4. In view of the aforesaid, in our view, the discharge of the applicant on medical ground due to being in low medical category was proper and as such the Transferred Application has no merit. It is accordingly dismissed.

5. There will be no order as to costs.

6. Issue copy of the order to both side.

Sd/-

LT.GEN.THOMAS MATHEW
MEMBER (A)

Sd/-

JUSTICE SHRIKANT TRIPATHI
MEMBER (J)

an

(true copy)

Prl.Pvt.Secretary