

Notes of the Registry	Orders of the Tribunal
	<p style="text-align: center;">IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI</p> <p style="text-align: center;"><u>OA-47 of 2017</u></p> <p>Ex-Nb Sub Zamchinlam Simte</p> <p style="text-align: right;">..... Applicant By legal practitioners for Applicant.</p> <p style="text-align: right;">Mrs Rita Devi Mr. A.R. Tahbildar</p> <p style="text-align: center;">-Versus-</p> <p>UOI & Others.</p> <p style="text-align: right;">..... Respondents By legal practitioner for Respondents. Mr. C. Baruah, CGSC</p> <p style="text-align: center;"><u>PRESENT</u></p> <p style="text-align: center;">HON`BLE DR. (MRS) JUSTICE INDIRA SHAH, MEMBER (J) HON`BLE LT GEN GAUTAM MOORTHY, MEMBER (A)</p> <p style="text-align: center;"><u>ORDER</u></p> <p><u>12.09.2018</u></p> <ol style="list-style-type: none"> 1. Heard Mr. AR Tahbildar, learned counsel appearing for the applicant and Mr. C. Baruah, learned CGSC, assisted by Capt Akash Vashishta, OIC AFT Legal Cell, Guwahati for the respondents. 2. The Release Medical Board has assessed the ID as 11-14% disability which is less than 20%, hence the individual is not eligible for disability pension in terms of Para 53 PRA 2008 and the appeal was rejected. 3. Learned counsel for the applicant has submitted that as per Release Medical Board Proceeding (Page 13) the medical authorities classified the disability as "SENSORI NEURAL HEARING LOSS (BILATERAL)" which is neither attributable to nor aggravated by

Military Service. They have authenticated the date of origin as May/03 and the Place where the applicant was serving as East Sikkim (HAA) i.e. High Altitude Area.

4. Learned counsel for the applicant has further submitted that the applicant had no problem at the time of his enrolment and during his first 13 years of service.

5. The Commanding Officer, Colonel Kalyan Singh at page 16 of the OA at Para 13 under the question "*Do you consider the disability aggravated by service? (Give reason)*" has opined, "*Yes. Due to stress and strain of service*". Further in Para 3 of page 13 again it has been noted that the ailment first occurred in May/03 in East Sikkim (HAA).

6. It appears from the record, that the ailment that the applicant is suffering from had indeed occurred while he was in active service in high altitude area i.e. in East Sikkim (HAA).

6. We, therefore, direct that the applicant be brought before the Re-Survey Medical Board to assess his disability at this stage in time keeping in mind the observations made by this Bench. The RMB is to be held within a period of one month from the date of receipt of this order and same be carried out at the nearest Military Hospital at Leimakhong (Manipur), since the applicant is the resident of district of Churachandpur, Manipur. The Re-Survey Medical Board will also comment on the degree of his disablement. The RMB proceeding be submitted before this Bench by the respondents on the next date whenever this Bench reassembles.

7. Order dasti.

MEMBER(A)

MEMBER(J)

Kalita

