

THE ARMED FORCES TRIBUNAL

REGIONAL BENCH, GUWAHATI

TA-01/2014
(AOO WP(c) 2540/2013)

Ex.Hav Santosh Khanikar

Applicant

**By legal practitioners for
Applicant**

Mr.K.Gogoi

- Versus -

UOI and Others

Respondents

**By legal practitioner for
Respondents**

Mr. N.Baruah, CGSC

P R E S E N T

HON'BLE MR.JUSTICE B.P.KATAKEY, MEMBER (J)

HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (A)

19.04.2016

Heard Mr. K.Gogoi, learned counsel appearing for the applicant. Also heard Mr. N.Baruah, learned CGSC assisted by Col.Anand, OIC, AFT Legal Cell, Guwahati, appearing for the respondents.

Upon hearing the learned counsel for the parties at some length, we are of the view that the clarifications relating to the following issues are required to be given by the respondents, to decide the TA:

- (1) Whether the revised draft AO to replace AO.146/77 dated 19.10.2000 (Annexure-1 to the counter affidavit filed by the respondent No.5), has been finalized, if so, copy of the final AO shall be furnished.
- (2) The legal status of the Army Orders issued as well as the source of its power to issue such Army Orders.
- (3) The ground on which the percentage of disablement of the applicant between 15-19% has been ascertained by the Release Medical Board.

Respondent No.5 shall depute a competent Medical Officer to answer the aforesaid query No.3 as well as other queries relating to the Medical Board, on the next date fixed.

Respondent shall also furnish complete document containing Annexure-2 document to the counter affidavit filed by the respondent No.5.

List the case on **26.4.2016** for hearing.

TA shall not be treated as part -heard.

Order dasti.

MEMBER (A)

MEMBER (J)

MC