

**IN THE ARMED FORCES TRIBUNAL**  
**REGIONAL BENCH, GUWAHATI**

**OA-01/2016**

**Sub Hakam Singh**

Applicant

**By legal practitioners for  
Applicant**

Mr.Sumit Kumar

**- Versus -**

**1.Union of India & ors**

Respondents

**By legal practitioner for  
Respondents**

Mr. N.Deka, CGSC.

**P R E S E N T**

**HON'BLE MR.JUSTICE N.K.AGARWAL, MEMBER (J)**  
**HON'BLE LT GEN (RETD) GAUTAM MOORTHY, MEMBER (A)**

**27.01.2016**

Heard Mr.Sumit Kumar, learned counsel for the applicant. Also heard Mr. N.N.Deka learned CGSC appearing for the respondents. Col Anand is also present.

Feeling aggrieved with the Medical Report (Annexure-I) whereby the applicant has been placed in Low Medical Category LMC (T-24) on 12.8.2015 and resultant discharge from service w.e.f. 29.2.1016 by order dated 30.11.2015, the applicant has filed this application. Till 22.6.2015 the applicant was in Low Medical Category S1. But to his utter surprise, after that he has been placed by the said Medical Board to Low Medical Category S3. The learned counsel for the applicant submits that the applicant has applied to the DGMS for review of his medical category. The same has also

been recommended by the Commandant 222 Adv Base Ord Depot C/O. 99 APO vide Annexure -VIII letter dated 17.9.2015 and GOC 51 Sub Area on 7<sup>th</sup> Oct 15. Therefore, it is stated that the applicant should not be discharged from service before finalization of the proceedings of the Review Medical Board by the DGMS.

The learned counsel for the applicant submits that at this stage this application may be disposed of by directing the respondents to convene the Review Medical Board with regard to the applicant's disability with a direction to the respondents not to discharge the applicant till receipt of the report of the Review Medical Board. For that the learned counsel for the respondents have no objection.

In view of the above this application is disposed of with a direction to the respondents to complete the Review Medical Board proceedings as early as possible and in any case within a period of 45 days from the date of receipt of a copy of this order and if, in the report of the Review Medical Board , the applicant is found in S1, then the respondents are directed not to discharge the applicant from service. In any case the respondents are directed not discharge the applicant till finalization of the proceedings of the Review Medical Board and thereafter, without observing due procedure prescribed therefor in accordance with relevant Army Orders.

Plain copy of the order be supplied to both the parties after observing usual formalities. Registry is directed to communicate the order to the respondents.

With the above observations and directions, the application stands disposed of.

**MEMBER (A)**

**MEMBER (J)**

