Notes of the Registry	Orders of	the Tribunal.	
Registry	IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, GUWAHATI OA-52/2017		
	Ex-Nk Lalzathang		
		Applicant.	
	Ap Mr	legal practitioners for oplicant. rs.Rita Devi r.A.R.Tahbildar	
	-Versus-		
	By Re	Respondents. I legal practitioners for spondents. ig N.Deka (Retd), CGSC	
	PRESENT HON'BLE DR.(MRS) JUSTICE INDIRA SHAH,MEMBER (J) HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (A)		
	<u>13.07.2018</u> <u>ORDER</u>		
	1. Heard Mr.A.R.	Tahbildar, learned Counsel	
	appearing on behalf of the applicant and Capt.Akash Vasisth,		
	OIC, AFT, Legal Cell, appearing on behalf of the respondents.		
	2. Learned Coun	sel for the applicant has	
	A of Pension Regulation for Army 1961 Part I has been quoted. This is reproduced as under :- "Individuals who are placed in a lower medical category (other than 'E') permanently and who are discharged because no alternative employment in their own trade/category suitable to their low medical category could be provided or who are unwilling to accept the alternative employment are discharged before completion of their engagement, shall be deemed to have been invalided from service for the purpose of the entitlement rules laid down in Appendix II to these Regulations."		
	3. It is stated	by the learned Counsel for	
	the applicant that the applicar	nt was discharged before	
	completion of his terms of engagement. Although he was		
	unwilling to serve, he may be deemed to be invalidated out of		
	Contd2/-		

service under this regulation (supra). Learned Counsel, for the applicant, has also requested that Re Survey Medical Board (RSMB) be held for the applicant.

- 4. OIC, AFT Legal Cell, has requested some more time to get clarification on Clause 173 A of Pension Regulation for Army 1961 Part I. In so far as holding of RSMB is concerned, we feel that since the applicant was discharged from service 28 years ago and he is of 64 years of age as on today, no useful purpose will be served holding RSMB as it would not be able to indicate the medical state or appropriateness of percentage of disability that was obtaining in 1990. Hence, the request for holding RSMB is turned down.
- 5. Be that as it may, list the case in the month of September, **2018**, whenever a division bench will assemble, so that the clarification may be obtained by the OIC, AFT, Legal Cell and be submitted before this Tribunal.

MEMBER (A)

MEMBER (J)

mishra

