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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(122-18)

**CWP-1969-2025
Date of Decision : September 30, 2025**

Union of India and others

.. Petitioners

Versus

Ex. HAV Rajbir Singh Malik and another

.. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Jyoti Chaudhary, Senior Panel Counsel, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. The present writ petition has been filed for setting aside the order dated 27.09.2021 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal') in OA No.801 of 2020.

2. Learned counsel for the petitioners submits that the Re-survey Medical Board (RSMB) could not have been ordered by the Tribunal.

3. We have heard learned counsel for the petitioners and have gone through the record of the case with her able assistance.

4. The order passed by the Tribunal dated 27.09.2021 is as under:-

“ The simple prayer of the learned counsel for the applicant is that the applicant is still suffering from the same disability with which he was suffering at the time of his release invalidment from service. He has further submitted that since as per the Invaliding Medical Board proceedings, the disability of the applicant was assessed as 20% for two years only, so the respondents may be directed to hold the Re-survey Medical Board (RSMB) of the applicant.



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In view of the above submission of the learned counsel for the applicant, the respondents are directed to hold the RSMB of the applicant within three months from the date of receipt of copy of this order. If the applicant is found entitled to the disability element of disability pension, his case shall be processed in further in accordance with law.

With the above direction, this matter is finally disposed of. However, it is made clear that if the applicant feels aggrieved by the administrative authorities, he shall be at liberty to come to this Tribunal again against the order (s) of the authority concerned.

The O.A is disposed of accordingly.”

5. A bare perusal of the above would show that only direction has been given to constitute Re-survey Medical Board (RSMB) and examine respondent No.1 and thereafter, grant the benefit in case he is found entitled for the same. No perversity has been found in the order dated 27.09.2021 (Annexure P-1) passed by the Tribunal so as to set aside the same especially after a period of more than 4 years of passing of the said order by the Tribunal.

6. No ground is made out to interfere in the order dated 27.09.2021 (Annexure P-1) passed by the Tribunal. The writ petition is dismissed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

September 30, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No