

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Supl. No. 1)
O.A. No. 1423 of 2023

Nb Sub Clk (SD) Jitendra Pratap Singh Applicant
By Legal Practitioner for the Applicant: Shri R Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Alok Kumar Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.12.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Memo of Appearance filed by Shri Alok Kumar Mishra, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents when the case is listed next.</p> <p>2. On the case being taken up for hearing, Shri R Chandra, learned counsel for the applicant is present in the Court and Shri Alok Kumar Mishra, learned counsel for the respondents is present through virtual mode.</p> <p>3. Brief facts of the case are that the applicant was enrolled in the Rajput Regiment of the Indian Army on 30.08.2000. He was posted to 4 RAJPUT at Lucknow for the period 23.08.2021 to 15.09.2023 and thereafter, his unit moved to forward area. His family is still residing at Lucknow. As per applicant, his all Annual Confidential Reports (ACRs) except the year 2020-2021 are outstanding. Apprehending that his CR for the year 2020-2021 is not endorsed as per his performance, he submitted statutory complaint dated 13.02.2023, but the statutory complaint has still not been decided even after lapse of 09 months. The applicant has to retire from service on 31.01.2024 (AN) as he is placed in low medical category. He is due for next promotion to the rank of Subedar on 01.01.2024. This O.A. has been filed for issuing directions to the respondents to decide his pending representation dated 13.02.2023.</p> <p>4. Heard learned counsel for the parties on admission.</p> <p>5. Matter being related to representation, which has not been decided by the respondents even after lapse of six months, needs adjudication.</p> <p>6. Admit.</p> <p>7. Learned counsel for the applicant states that a direction be issued to the respondents to decide the representation submitted by the applicant on 13.02.2023 (Annexure A-1 to the Original Application) which is pending even after elapse of nine months.</p>

8. With the consent of learned counsel for the parties and considering the facts and circumstances of the case and keeping in view that the complaint ought to have been decided within six months as per para 364 of Defence Service Regulations for the Army, 1987 (Revised Edition), and also in view of applicant's impending retirement on 31.01.2024, this Original Application is disposed of with the direction to the respondents to decide the statutory complaint preferred by the applicant on 13.02.2023 (Annexure-A1), by a speaking and reasoned order, in accordance with law, preferably within a period of 30 days from the date of receipt of a certified copy of this order, if not already decided. No order as to costs.

9. Miscellaneous application(s), pending if any, stand disposed off.

(Maj Gen Sanjay Singh)
Member (A)

rathore

(Justice Anil Kumar)
Member (J)