

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2(SI. No. 21)

O.A. No. 618 of 2024

Cpl Prasad Behera

Applicant

By Legal Practitioner for the Applicant : Shri Nishant Verma, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.10.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing, Shri Nishant Verma, Ld. Counsel for the applicant is present in Court and Shri Amit Jaiswal, Ld. counsel for the respondents is present through virtual mode.</p> <p>2. This O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-</p> <p style="padding-left: 40px;">(i) To issue an appropriate order or direction to quash and set aside the illegal and arbitrary rejection order dated 26.04.2024 contained in Annexure A-1 to the petition and permit the applicant by granting NOC to appear in all exam process of UPSC CIVIL SERVICES Exam 2024.</p> <p style="padding-left: 40px;">(ii) To issue order or direction which this Hon'ble Tribunal deems just and proper in the facts and circumstances of the case and pass suitable order in favour of the applicant.</p> <p style="padding-left: 40px;">(iii) Cost of the application may also be directed to be paid to the applicant.</p> <p>3. Brief facts of the case are that the applicant was enrolled in the Indian</p>

Air Force on 27.06.2018 and within one year of service, he was diagnosed to be suffering from 'Generalized Seizure' and his medical category was downgraded to A4G4 (P). While serving in low medical category, he submitted an application dated 23.02.2024 to his higher authorities for grant of permission to appear in UPSC Civil Services Exam 2024 which being denied vide letter dated 26.04.2024, this O.A. has been filed.

4. Learned counsel for the applicant submits that applicant's application seeking permission to appear in UPSC Civil Service Exam 2024 has been arbitrarily rejected by the respondents, which requires interference by this Hon'ble Tribunal.

5. A preliminary objection has been raised by the respondents submitting that this O.A. is not maintainable as applicant has not availed alternative remedy as per Para 21 of the Armed Forces Tribunal Act, 2007.

6. Heard learned counsel for the parties and perused the record.

7. Perusal of record shows that application for permission was considered and rejected by Headquarters Central Air Command (Air Force), Bamrauli, Prayagraj. Thus, there is no further need to avail any other alternative remedy.

8. Preliminary objection raised by the respondents is turned down.

9. List this case for admission on **05.11.2024**.

(Maj Gen Sanjay Singh)
Member (A)

(Justice Anil Kumar)
Member (J)

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