

Form No. 4
{See rule 11(1)}
ORDER SHEET

e-Court

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 96 of 2021

Sep Sachin Singh Tomar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>1. Heard Ms Ruby Singh and Ms Hemlata, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents.</p> <p>2. Applicant has filed this O.A. for the following reliefs:-</p> <p>(i) To issue an order or direction to the opp. Parties to continue the shelter appointment of the applicant on the post of Sipahi with all consequential benefits and pay him salary regularly every month.</p> <p>(ii) To issue an order or direction to quash/cancel the show cause notice dated 14.05.2020 (served to applicant on 30.06.2020) by the opp. party No 4 contained in annexure No 1 to this application.</p> <p>(iii) Some other suitable order which may be deemed fit and proper in the circumstances of the case, including an order of awarding the cost of this application in favour of the applicant against the respondents hereto be issued.</p> <p>3. Brief facts of the case are that the applicant was enrolled in the Army on 28.03.2011. While serving with 16 Rajput Regiment he was awarded 06 punishments on account of overstaying leave, intoxication and act prejudicial to good order and military discipline. Applicant is having strained relations with his wife Smt Mamta and on her complaint, maintenance allowance @ 20% is being paid to his wife. Applicant is also suffering from medical disabilities like Adjustment Disorder and Primary Hypertension and was therefore placed in low medical category (LMC) P2 (Permanent) and on account of this LMC he was provided sheltered appointment. A Show Cause Notice dated 14.05.2020 was served upon him to show cause as to why his sheltered appointment may not be withdrawn, as the applicant continued to ignore advice of his superiors and medical authorities. Applicant has filed this O.A. to quash the Show Cause Notice dated 14.05.2020. During the pendency of this O.A. he was discharged from service w.e.f. 01.07.2021 (FN).</p> <p>The applicant has challenged the Show Cause Notice dated 14.05.2020 vide which he has only been asked to show cause as to why his sheltered</p>

appointment may not be withdrawn and he be retired from service being in low medical category. Since the discharge order has not been challenged by the applicant, this O.A. is premature and not maintainable.

Accordingly, O.A. No 96 of 2021 is **dismissed** being not maintainable.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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