

ARMED FORCES TRIBUNAL REGIONAL BENCH, LUCKNOW

Original Application No. 315 of 2015

Thursday, the 19th day of November, 2015

(Court No. 2)

Ex Sep Mange Ram No. 3190393X of JAT Regtl Centre, Bareilly, UP, son of Shri Bhader Ram, resident of village and P.O. Ding Mndi, District Sirsa, (Haryana).

..... Applicant

By Shri Vikas Singh, Counsel for the Applicant.

Versus

1. Union of India, through its Secretary, Government of India, Ministry of Defence, New Delhi-110011
2. Chief of the Army Staff, IHQ of MOD (Army), DHQ, P.O. New Delhi-110011
3. Officer-in-Charge, Records, the JAT Regt. Pin-900496 C/o 56 APO.
4. Commander Administrative Battalion, The JAT Regimental Centre, Pin-900496, C/o 56 APO
5. Commanding Officer, 20 JAT Battalion, Pin-911220, C/o 56 APO.
6. Commanding Officer, 5 RR Battalion (JAT), Pin-934505, C/o 56 APO,

.....Respondents.

By Shri Dinesh Kumar Pandey, Counsel for the respondents alongwith Capt. Soma John, Departmental Representative.

ORDER

1. Shri Dinesh Kumar Pandey files Memo of Appearance on behalf of the respondent. Let it be taken on record.
2. We have heard Shri Vikas Singh, learned counsel for the applicant and Shri Dinesh Kumar Pandey, learned Standing Counsel appearing for the respondents, duly assisted by Capt. Soma John, Departmental Representative on the question of admission of this O.A.
3. Aggrieved against the proceedings of Summary Court Martial, which resulted into dismissal of the applicant from service vide order dated 17.08.2015, the applicant has preferred this O.A, praying for the following reliefs:

“8.1 Issue an order or direction to set aside the order impugned dated 17 Aug 2015 passed by the Administrative Battalion Commander, the JAT Regiment Centre in a illegal and arbitrary manner and direct the Respondent authorities to provide the all consequential service benefits to the applicant.

8.2 Issue an order or direction directing the Respondents to regularize the absence period of the services of the applicant and also provide the pensionary benefits as well as arrears of salary to the applicant.

8.3 Issue an order or direction directing the respondents to decide the statutory appeal dated 05 Oct 2015 within a stipulated period.

8.4 Issue an order/direction in favour of the applicant as this Hon'ble Tribunal may deem fit in the circumstances of the case.

8.5 Allow the application with cost along w3ith other expenses.”

4. Admittedly, against the impugned order, the applicant has preferred a statutory appeal before the Chief of the Army Staff on 5.10.2015, vide Annexure A-16 to the application, which is still pending disposal. After making his submissions at some length, the applicant confines his prayer to relief no. 8.3 by means of which he has prayed for a direction to the respondents to decide the statutory appeal dated 05 Oct 2015 within a stipulated period.

5. Accordingly, without going into the merits of the matter, we dispose of this O.A with the direction that the Chief of the Army Staff shall dispose of the statutory appeal dated 5.10.2015 preferred by the applicant within a period of six months from the date of receipt of a certified copy of this order by passing a reasoned and speaking order. The order so passed shall be communicated to the applicant forthwith. The applicant, if aggrieved, is being given liberty to challenge the impugned order of punishment dated 17.8.2015 as well as the order passed by the Chief of Army Staff in his statutory appeal dated 5.10.2015.

(Lt. Gen. A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

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