

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****ORIGINAL APPLICATION NO 322 of 2013**Friday, this the 20th day of November 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**
Hon'ble Air Marshal Anil Chopra, Member (A)Manish Shukla (Lance Naik GDSM, Personnel
No-15617447-X) S/o Sri Shiv Mohan Shukla
R/o Vill-Junta, Post-Bindki, District-Fatehpur. UP.

.....Applicant

Ld. Counsel for the: **Shri Virendra Singh holding brief of**
Applicant **Shri S.N. Singh Gaherwar, Advocate**

Versus

1. The Govt of India, Represented by Secretary, Ministry of Defence, New Delhi.
2. Chief of Army Staff, Sena Bhavan, Army HQ, New Delhi.
3. Commanding Officer, Unit-X Company 16 B Battalion, Brigade of Guard, Nashirabad, Ajmer, Rajasthan.
4. Brigade Head Quarter 340, 12 Cores, South Command, Pune.
5. Commanding Officer Record, Camppte, Nagpur.

...Respondents

Ld. Counsel for the : **Mrs Deepti Prasad Bajpai, Central**
Respondents. **Govt Counsel assisted by**
Lt Col Subodh Verma,
OIC, Legal Cell.

ORDER (ORAL)

1. Heard Ld. Counsel for the parties and perused the record.
2. This instant Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act 2007 being aggrieved with the order of discharge dated 01.10.2013.
3. At the very outset, a preliminary objection has been raised by Ld. Counsel for the respondents that the applicant has not preferred statutory complaint as envisaged in section 21 of the Armed Forces Tribunal Act prior to preferring the present O.A. Ld. Counsel Shri Virendra Singh, submits that the applicant has submitted his representation dated 15.10.2013 to the Chief of the Army Staff which is pending with the respondents till date.
4. Keeping in view the fact that the statutory complaint preferred by the applicant is pending, which is statutory right of the applicant to represent his case, we permit the applicant to submit a fresh statutory complaint supported with requisite documents ventilating all his grievances. In case the applicant submits a fresh representation within one month from today, the competent authority shall decide his representation by a reasoned and speaking order expeditiously, say within four months from the date of presentation of certified copy of this order and communicate the decision to the applicant.

5. With the aforesaid direction, without entering into the merit of the case, we dispose of the O.A.

No order as to cost.

(Air Marshal Anil Chopra)
Member (A)

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(Justice D.P. Singh)
Member (J)