

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**Original Application No 92 of 2021**

Thursday, this the 03rd day of March, 2022

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

No. 2667114F Ex Gdr Hakim Singh Tomar, son of Shri Mata Prasad, resident of House No 4, Pipra Ghat, Cantonment Board, Cantt Lucknow-226002.

..... Applicant

Ld. Counsel for the Applicant: **Shri Manoj Kumar Awasthi**, Advocate
Shri Anshuman Srivastava, Advocate

Versus

1. Union of India Through its Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Integrated HQ of MoD (Army), Quartermaster General Branch, Canteen Service Directorate, West Block-3, Wing-III, RK Puram, New Delhi-110066.
3. Head Quarters UP Sub Area, Station HQ Cell, Pin-900450, C/o 56 APO.

..... Respondents

Ld. Counsel for the Respondents :**Shri RC Shukla**, Advocate
Central Govt Counsel

ORDER (Oral)

1. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-

(i) To issue/pass order or direction to the respondents to issue the Grocery and Liquor Card to the applicant alongwith C.S.D. canteen smart card forthwith.

(ii) Any other relief which the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case be also granted alongwith cost of the Original Application.

2. Brief facts of the case as stated from the side of applicant are that the applicant was enrolled in the Army on 07.02.1976 and he was discharged from service under Rule 13 (3) III (iv) of the Army Rules, 1954 having put in 03 years, 03 months and 09 days of service. Applicant's case is that he was issued with an ex-serviceman canteen card bearing No GB01041592431000V00 which he lost on 03.10.2019 at Sadar Bazar, Lucknow Cantt. It is also stated that alongwith the aforesaid card he had lost his bike and other related documents for which he lodged FIR No 577903/2019 on 04.10.2019. Applicant had approached Central Command Veteran Cell for issue of the duplicate card through HQ Madhya UP Sub Area, Station HQ Cell when he was asked to provide certain documents vide letter dated 25.09.2019 to which instead of providing requisite documents he submitted a petition to IHQ of MoD (Army), QMG's Branch, New Delhi on 18.11.2019 which being not decided the applicant has filed this O.A. for issue of directions to the respondents to issue aforesaid canteen card.

3. Per contra learned counsel for the respondents submits that the individual is a non pensioner and hence is not authorized for issue of CSD card in terms of IHQ of MoD letter dated 23.03.2018. In view of this the

application form for issue of fresh CSD card was not accepted.

4. We have heard learned counsel for the parties and perused the material placed on record.

5. It is not disputed that the applicant was enrolled on 07.02.1976 and he was discharged from service on 16.05.1979 under Rule 13 (3) III (iv) of Army Rules, 1954 which specifies that he was discharged from service at his own request before completion of his terms of engagement, as such he, being not an ex-serviceman, is not entitled to CSD card.

6. Additionally, the applicant was discharged from service on 16.05.1979 at his own request and as per him the CSD card which was issued in the year 1979 was lost on 03.10.2019 while at Sadar Bazar, Lucknow Cantt. During the course of hearing we have been informed that since such type of smart cards were not in use at that time (1979), his submission is not trustworthy. Further, on perusal of duplicate Identity Card issued on 29.09.2005 (Annexure No-2 of O.A.) it is established that the applicant is not a pensioner.

7. In view of the above, the O.A. being devoid of merit is accordingly, **dismissed.**

8. No order as to costs.

9. Pending Misc. Application(s), if any, shall be treated to have been disposed off.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
Member (A) Member (J)

Dated: 03.03.2022

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