

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No. 151 of 2010**Thursday, this the 15<sup>th</sup> day of October 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)****Hon'ble Air Marshal Anil Chopra, Member (A)**

Ex No. 13622900F Para Trooper Pradeep Kumar Tiwari  
S/o Shri Chhotey Lal Tiwari, R/o Village Para, Post Belhat,  
District Allahabad.

.....Applicant

Ld. Counsel for : **Shri P.K. Shukla, Advocate**  
the Applicant

Versus

1. Union of India through Secretary Ministry of Defence  
D.H.Q. Post Office, South Block, New Delhi.
2. Chief of Army Staff, Army Headquarters, DHQ, Post  
Office, South Block, New Delhi.
3. Dr. S.K. Paul, 6 Para, C/o 56 A.P.O.
4. Lt. Col. S.N. Tiwari, 6 Para, C/O 56 A.P.O.
5. Col. Vivek Pandit, The Commanding Officer,  
6 Para C/o 56 A.P.O.
6. The Depot Company Commander, The Records,  
Para Troopers Regiment, Bangalore 560006.
7. The Chief Record Officer/O.I.C. Records, The Records,  
The Para Troopers Regiment, Bangalore 560006.

.....Respondents

Ld. Counsel for the : **Shri Rajesh Kumar, Central Govt for**  
respondents **Counsel, assisted by**  
**Lt Col Subodh Verma, OIC., Legal Cell**

**ORDER (ORAL)**

1. Heard Ld. Counsel for the parties and perused the record.
2. Present Original Application has been preferred by the applicant being aggrieved by the impugned order of discharge dated 28.02.2005 from Army while disposing the application for voluntarily retirement. Ld. Counsel for the applicant submits that before passing the impugned order, the applicant has withdrawn his application on 06.10.2004, a copy of which has been annexed as Annexure-4 to the Original Application. Ld. Counsel for the applicant submits that after the impugned order of discharge was passed, the applicant submitted statutory complaint under Section 26 of the Armed Forces Tribunal Act, 2007. Copy of the complaint has been filed with the Original Application.
3. At appears from the document attached as Annexure No 5, that the appropriate authority has forwarded his application with his recommendations. Ld. Counsel for the applicant submits that the statutory complaint has not been decided.
4. We dispose of the Original application finally with the directions that the applicant shall submit a fresh statutory complaint within one month from today along with earlier statutory complaint and withdrawal of retirement application preferred before the order of discharge. In case he submits the statutory complaint, the competent authority shall decide the representation of the applicant

expeditiously, say, within three months from the date of presentation of a certified copy of this order along with above mentioned statutory complaints along with supporting documents by a reasoned and speaking order ignoring the delay, if any, and communicate the decision to the applicant.

5. We dispose of the Original Application accordingly.

No order as to costs.

**(Air Marshal Anil Chopra)**  
**Member (A)**

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

ukt