

Court No.3**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****Original Application No. 165 of 2014**Tuesday, this the 13th day of October 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**
Hon'ble Air Marshal Anil Chopra, Member (A)No. 2503784M, Krishna Kumar (Ex. Sep Artisan Wood)
Son of Sri Ram Achhaibar, R/O Village-Pura Chain Kuwar
Post Office-Sahjanwa, Tehsil-Gonda, Police Station-Kauria
District-Gonda (U.P.) PIN-271122.

.....Applicant

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

Versus

1. Union of India through Secretary to the Government of India, Ministry of Defence, South Block, R.K. Puram, New Delhi-110011.
2. The Chief of the Army Staff, COAS Secretariat, Integrated Headquarters (Army) South Block, DHQ, P.O. New Delhi-110011.
3. OIC, Records, The Punjab Regimental Centre, Ranchi, Jharkhand, PIN-900409, C/O 56 APO.
4. Commandant, The Punjab Regimental Centre, Ranchi Jharkhand, PIN-900409, C/O 56 APO.
5. Coy Commander, 'Thorat' Training Company, The Punjab Regimental Centre, PIN-900409. C/O 56 APO.

...Respondents

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

ORDER (ORAL)

1. Aggrieved with the invalidment from army service under low medical category S5H1A1P1E1, the applicant has approached this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007.
2. According to learned counsel for the applicant, the Invalidment Board has wrongly recommended the applicant for being discharged from service.
3. On the other hand, preliminary objection has been raised by learned counsel for the respondents that the applicant has not preferred any statutory complaint under which the competent authority could have looked into the lapses raised by the applicant.
4. Keeping the pleadings and material placed on record,, we feel that the objection raised by learned counsel for the respondents seems to be correct.
5. Accordingly, we direct the applicant to submit statutory complaint within a period of one month from today. In case such a complaint is preferred, the competent authority shall decide the same expeditiously, say, within three months from the date of production of a certified copy of this order, ignoring the delay, if any, by a reasoned and speaking order and communicate the decision to the applicant.
6. O.A. is disposed of finally.

No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

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