

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****Original Application No. 230 of 2015**Tuesday, this the 27<sup>th</sup> day of October 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**  
**Hon'ble Air Marshal Anil Chopra, Member (A)**

No.1492328w Rect(Ex) Sahendra Kumar  
S/o Sadhu Unit BIT BN Present Address  
Village-Bhujari, Post- Gauri – P.S. Khanpur  
District – Ghazipur (U.P.) Place of posting Ahmad Nagar

.....Applicant

Ld. Counsel for : **Shri B.D. Mishra, Advocate**  
the Applicant

Versus

1. Union of India, through Secretariate, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, New Delhi
3. Commandant Battalian M.I.R.C Ahmadnagar,  
Memo No. 1055/13/F(1)

.....Respondent

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

**ORDER (ORAL)**

1. Heard learned counsel for the parties and perused the record.
2. With the consent of learned counsel for the parties, we proceed to decide this O.A. at the admission stage itself.
3. This O.A. has been preferred by the applicant being aggrieved by impugned orders dated 02.11.1999 and 03.11.1999, annexed as Annexure-2 to this O.A. with regard to discharge in pursuance to Army Rule 13 (iii).
4. Submission of learned counsel for the applicant is that the applicant has submitted statutory complaint against impugned order of discharge. Copy of the representation dated 01.01.2015 has been annexed with the O.A. Representation was submitted by the applicant after being acquitted in Sessions Trial No. 302 of 1998 decided on 20.09.2014 by Additional Sessions Judge/Special Judge (SC/ST Act) Varanasi. Copy of the judgment is annexed with the O.A. as Annexure No. 4.
5. According to learned counsel for the applicant, since the applicant was discharged from the Army on account of involvement in criminal case, which has resulted in acquittal, now there is no reason to not extend service benefits notionally of the post he was holding at the time of passing the discharge order.

6. Representation of the applicant is pending before appropriate authority. The applicant shall submit a fresh representation along with earlier representation supported with documents within one month with a copy of this order. In case such a representation is preferred by the applicant, the authority concerned shall dispose of the representation of the applicant expeditiously, say, within next three months by a speaking and reasoned order and communicate the decision to the applicant.

7. With the aforesaid direction, O.A is disposed of finally.

8. Copy of the order shall be supplied to learned counsel for the applicant within a week.

9. No order as to costs.

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

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