

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****Original Application No 259 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)Harendra Vikram Singh (No. 14934995N Sep Ex),
son of Dharvendra Vikram Singh, permanent
resident of Village Kheuti, Post Office Nayagaon
Mubarakpur, district Hardoi (Uttar Pradesh).

.....Applicant

Ld. Counsel for the: **Shri Yash Pal Singh,**
Applicant **Advocate**

Versus

1. Union of India through Secretary, Ministry of
Defence, Central Secretariat, New Delhi-110001.
2. General Officer Commanding, 3 Infantry Division,
PIN-908403, C/O. 56 APO
3. Deputy General Officer Commanding, 3 Infantry
Division, PIN-908403, C/O. 56 APO.
4. Officer-in-Charge, Records, Mechanised Infantry
Regiment, PIN-900476, C/O. 56 APO.
5. Commanding Officer, 11-Mechanised Infantry
Regiment (18 Rajasthan Rifles), PIN-911711,
C/O. 56 APO

...Respondents

Ld. Counsel for the : **Shri Ishraq Farooqui, Central**
Respondents. **Govt Counsel assisted by**
 Lt Col Subodh Verma,
 Departmental Representative
 for the respondents.

ORDER (ORAL)

1. Heard learned counsel for the parties and perused the record.
2. Present Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 against order of discharge. Argument advanced by the learned counsel for the applicant is that the impugned order of discharge has been passed on unfounded and flimsy grounds.
3. A preliminary objection has been raised on behalf of the respondents that the since the question involved in the present Original Application is mixed question of fact and law, the matter may be relegated to the competent authority for taking a decision. The argument seems to be correct.
4. Accordingly, with the consent of Ld. Counsel for the parties dispose of the O.A. with a liberty to the applicant to file statutory complaint afresh within one month from today. In case such a statutory complaint is submitted by the applicant, the competent authority shall dispose it of expeditiously, say, within three months from the date of presentation of a certified copy of this order, by a reasoned and speaking order ignoring the delay in filing the statutory complaint and shall communicate the decision to the applicant.
5. Accordingly, we dispose of the O.A. finally.
No order as to cost.

(Air Marshal Anil Chopra)
Member (A)

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

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