

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****Original Application No.391 of 2012**

Wednesday, this the 14th day of October 2015

Hon'ble Mr. Justice D.P. Singh, Member (J)
Hon'ble Air Marshal Anil Chopra, Member (A)

Ex-Naib Subedar (Clerk SD) Awadhesh Giri (JC-696336-M) of
AMC Records, Lucknow
Son of Late. Ram Murti Giri, Resident of Village-
Bihajadi, Post Office-Sahadai Buzurg, District-
Vaishali (Bihar) presently residing at House No
592/G Chandra Vihar, Kharika, Telibagh, District
Lucknow (U.P.)-226025.

.....Applicant

Ld. Counsel for : **Shri P.N. Chaturvedi, Advocate**
the Applicant

Versus

1. Chief of the Army Staff, Integrated Headquarters of the
Ministry of Defence (Army), South Block, New Delhi-110011.
2. Officer-in-Charge Records, Army Medical Corps, Lucknow.
3. Commandant AMC Centre and College, Lucknow.

.....Respondents

Ld. Counsel for the : **Shri Ashutosh K. Srivastava,**
Respondents **Central Govt. Counsel**

ORDER (ORAL)

1. Heard Sri P. N Chaturvedi, learned counsel for the applicant and Sri A. K. Srivastava, learned counsel for the respondents assisted by Lt Col Subodh Verma, OIC., Legal Cell and perused the record.
2. This Original Application under Section 14 of the Armed Forces Tribunal Act, 2007 has been preferred against impugned order of discharge during extended period of service.
3. The applicant was enrolled in the army on 30.03.1985. He attained age of superannuation on 30.03.2011. The applicant was granted two years' extension of service from 30.03.2011 to 29.03.2011 vide Army Medical Corps Record Office Part II order dated 07.04.2009. While serving with the Army Medical Corps Record, during his extended period of service, the applicant was awarded Severe Displeasure (Recordable) entry vide order dated 13.07.2011. In consequence thereof, keeping in view the provisions contained in policy dated 21.09.1988, the applicant has been discharged from service. Policy letter dated 21.09.1988 provides that during extended period of service, in case a person has dropped his performance, he shall be discharged from service. This fact has not been denied by learned counsel for the applicant. However, learned counsel for the applicant submits that entry granted to the applicant inasmuch as it related to drop of performance is not sustainable and is based on unfounded facts.

4. The two years' period of extended service has already expired on account of drop in performance. His service can neither be extended nor can he be further engaged by respondent-army. The policy decision of 1988 has not been impugned while preferring the O. A. Accordingly, in compliance of policy decision, order passed with regard to discharge on account of drop of performance, does not suffer from any illegality.

5. In similar circumstances, the Principal Bench in O.A. No. 51 of 2013 Sub Clk SD Tara Dutt Tiwari vs. Union of India and others, has dismissed the O.A. on the ground of drop of performance. It may also be noticed that from the record, it is evident that the applicant has not taken due care while checking the documents and has not discharged his duty sincerely.

6. In view of above, the O.A. is dismissed.

No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

anb

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