

**Court No.3****ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****Original Application No. 99 of 2015**Friday, this the 06<sup>th</sup> day of November 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**  
**Hon'ble Air Marshal Anil Chopra, Member (A)**JC 697789K Subedar (Ambulance Assistant),  
Surendra Prasad Tiwari, 4033 Field Hospital, C/o 99 APO.

.....Applicant

Ld. Counsel for the : **Shri R. Chandra, Advocate**  
Applicant

Versus

1. Union of India, Through the Secretary, Ministry of Defence, Government of India, NEW DELHI.
2. Chief of Army Staff, Army Headquarters, DHQ Post Office, NEW DELHI.
3. The Officer-In-Charge, Army Medical Corps Records, LUCKNOW (U.P.).
4. JC 697790Y, Subedar Major J. Mohan Raju, (Ambulance Assistant), Headquarters Camp, Army Medical Corps Center, LUCKNOW (U.P.).
5. The Commandant Central Ordnance Depot (COD) Agra Cantt (UP).

...Respondents

Ld. Counsel for the : **Mrs Deepti Prasad Bajpai, Central**  
Respondents **Govt Counsel assisted by Lt Col**  
**Lt Col Subodh Verma, OIC Legal Cell.**

**ORDER (ORAL)**

1. Heard Ld. Counsel for the parties and perused the record.
2. Since a short question is involved in the case, as such, with the consent of Ld. Counsel for the parties, we proceed to dispose of the case at the admission stage itself.
3. This is an application under Section 14 of the Armed Forces Tribunal Act 2007 filed by the applicant feeling aggrieved with the supersession by the respondents for the rank of Sub Major.
4. Submission of the Ld. Counsel for the applicant is that the DPC was held on 17.10.2013 but the applicant's case for promotion was not considered.
5. Preliminary objection has been raised by Ld. Counsel for the Respondents that the applicant has not submitted statutory complaint and since the controversy involves mixed question of facts and law, It shall be appropriate that the authority concerned may adjudicate upon the controversy. Ld. Counsel for the applicant submitted that the when the original application was filed, the applicant was likely to retire hence no statutory complaint was filed and the applicant has approached the Tribunal. Admittedly the applicant has retired from service on 01.03.2013.
6. Accordingly without entering into the merits of the case, we dispose of the O.A. finally and permit the applicant to submit

statutory complaint supported by relevant documents ventilating all his grievances within one month, which shall be decided by the competent authority by a reasoned and speaking order expeditiously, say within four months from the date of presentation of a certified copy of this order, and communicate the decision to the applicant.

7. With the aforesaid directions, O.A. stands disposed of finally.

No order as to cost.

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

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