

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No - 3

T.A. No 1190 of 2010

Monday, this the 31st August, 2015

**“Hon’ble Mr. Justice D.P. Singh, Judicial Member
 Hon’ble Air Marshal Anil Chopra, Administrative Member”**

No 615585 (H) Sgt Balkrishna M, IAF, S/o of Shri Ram Sahai
 Resident of House No 173B, Ghaukhaera near M.E.S. Qtrs,
 Air Force Station, Chakeri, Kanpur Nagar

.....Petitioner
 Ld. Counsel for the - **Shri P.N. Chaturvedi,**
 Petitioner **Advocate**

Versus

1. Union of India through Secretary,
 Ministry of Defence , New Delhi.
2. Chief of the Air Staff (C.A.S.) Air Headquarters
 New Delhi
3. Air Officer Commanding in Chief
 Headquarters Maintenance Command, Nagpur
4. The Air Officer Commanding, Air Force Station
 Avadi, Chennai - 600055

....Respondents

Ld. Counsel for the - **Shri A.K. Singh,**
 Respondents **Central Govt Counsel,**
Assisted by Wg Cdr SK Pandey,
Departmental Representative
for the Respondents

ORDER**(Passed in Court)**

1. This Civil Misc Writ Petition No 35825 of 1997 has been received by this Tribunal by way of transfer from High Court of Judicature at Allahabad on 03.08.2010 and renumbered as Transfer Application No 1190 of 2010. The petitioner has filed this petition for not granting him extension of service on the post of Sgt.

2. Submission of the Ld. Counsel for the petitioner is that the petitioner was not granted extension and was discharged from service on 31.05.1997 vide certificate of discharge dated 03.05.1996 which shows that the petitioner's extension was not granted on the ground that the petitioner was declared habitual offender. The petitioner made representation against discharge but no action was taken by the Respondents.

3. He further submitted that his two punishments were expunged by Air Commodore, Air Officer Commanding. Only three red and five black ink entries against the petitioner remains in service record of the petitioner. The petitioner's service was extended for six years in the year 1991 and he was due for retirement on 31.05.1997, hence he made representation for extension of his service but it was rejected by the respondents. The petitioner had prayed that extension of service may be granted but the same was rejected vide Air

Force Record Office New Delhi letter dated 12 Oct 1998 stating that competent authority had rejected the same in terms of Para 4 (d) of Air HQ letter dated 06 Nov 1995 and discharge order of the petitioner was issued. Respondent No 3 had not extended his service.

4. However, keeping in view the pleadings and argument advanced, it is provided that petitioner may represent his cause to appropriate competent authority within one month who shall decide the representation in accordance with the law on the basis of material on record by passing a speaking and reasoned order within three months and shall communicate the decision to the petitioner. Liberty to represent the cause has been given since applicant approached the Tribunal without exhausting alternative remedy.

5. With aforesaid directions the Transfer Application is **disposed off**.

6. No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

ukt/-

(Justice D.P Singh)
Member (J)