

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****Transferred Application No 168 of 2010**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)Ex. Gunner Upendra Nath Pandey
S/O Late Bharat Pandey
173 Field Regiment
C/o 56 APO

.....Petitioner

Ld. Counsel for the: **Shri S.K. Singh, Advocate**
petitioner

Versus

1. Union of India Through Secretary Ministry of Defence, New Delhi
2. Chief of the Army Staff, New Delhi.
3. Commandant-cum-CRO, Artillery Records Nasik Road Camp.
4. Chief Controller of Defence Accounts (Pension) Allahabad.

...Respondents

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

ORDER (ORAL)

1. Heard Sri S.K. Singh, learned counsel for the applicant and Sri A.K. Srivastava, Central Government Counsel assisted by Lt. Col. Subodh Verma and perused the record.
2. A Writ Petition was preferred by the petitioner bearing Writ Petition No. 37115 of 1998 which has been received by this Tribunal by way of transfer and has been renumbered as T.A. No. 168 of 2010.
3. The applicant has preferred the petition for issue of a direction to the respondents to decide the statutory complaint preferred by the petitioner against the order of discharge. However, learned counsel for the respondents contended that the statutory complaint/representation has not reached the competent authority.
4. Keeping in the view the factual matrix of the case, we direct the petitioner to file a fresh statutory complaint along with the earlier one supported with documents within one month. In case such a statutory complaint is submitted by the petitioner, the respondents shall dispose it of ignoring the delay, if any, by a reasoned and speaking order expeditiously, say, within next three months from the date of production of a certified copy of this order and communicate the decision.
5. With the aforesaid direction, we dispose of the T.A. finally.

No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

ukt

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

