

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2**Original Application No. 153 of 2014**Friday the 28th day of August, 2015

“Hon’ble Mr. Justice Abdul Mateen, Member (J)
Hon’ble Lt. Gen. A.M. Verma, Member (A)”

Recruit Abhishek Shukla (Army No. 17025159-P), of No. 3 Electrical Mechanical Electronics Centre, Bairagarh, Bhopal, son of Shri Rajesh Shukla, resident of Mohalla Dhameri Ramnagar, LPost Ramnagar, Tehsil Ramnagar, District Barabanki (U.P.) – 225 205.

Applicant

By Shri P.N. Chaturvedi, learned counsel for the applicant.

Versus

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. Chief of the Army Staff, Integrated Headquarter of the Ministry of Defence (Army), South Block, New Delhi-110 011.
3. Commandant No. 3 Electronic Mechanical Engineers (EME) Centre, Bairagarh, Bhopal.
4. Commandant No. 1 Military Training Battalion, No. 1 Electronic Mechanical Engineers (EME) Centre, Secunderabad.
5. Commanding Officer, Training Battalion, No. 3 Electronic Mechanical Engineers (EME) Centre, Bairagarh, Bhopal.

..... Respondents.

By Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.

ORDER

1. Heard learned counsel for the parties.
2. This Original Application has been preferred by the applicant praying therein for a direction to the respondents that he be allowed to complete remainder one week of Basic Military Training and 17 weeks of Trade Training of Clerk Staff Duties to enable him to become a trained soldier
3. The brief facts giving rise to the present Original Application are that the applicant was enrolled in the Army on 19.6.2012 in the trade of Clerk Staff Duties and while undergoing Basic Military Training in 1 Training Battalion, 3 EME Centre, Bhopal, he was granted leave for four days with effect from 13.12.2012 to 16.12.2012, but, as submitted and pleaded in the O.A., the applicant fell ill during leave period and as such he could not return back to his training on 17.12.2012. It has further been pleaded that later on when the applicant tried to join for his further training course at Bhopal and also at Secunderabad (Hyderabad) he was not allowed to join to complete his training to become a trained soldier.
4. In the counter affidavit filed by the respondents it has been pleaded that the applicant while undergoing Basic Military Training in 1 Training Battalion, 3 EME Centre, Bhopal, the applicant was granted casual leave for six days with effect from 5.10.2012 to 10.10.2012 and rejoined his duties in time, but while he was granted four days' casual leave with effect from 13.12.2012 to 16.12.2012 he failed to rejoin his duties. It has also been pleaded in the counter affidavit that when the applicant failed to join on 17.12.2012 at his 1 Training Battalion, 3 EME Centre, Bhopal that a Court

of Inquiry to this effect was conducted on 8.1.2013 and the applicant was declared deserter with effect from 16.12.2012 vide 1 Training Battalion, 3 EME Centre Part II order no. 3/0104/2013 dated 12.2.2013.

5. It is also note worthy to mention here that the plea taken by the applicant that he tried to submit his joining at Bhopal as well as at Secunderabad and he made entry in the Gate Register but he was not allowed to join. This statement of the applicant has been negated by the respondents in the counter affidavit by annexing photocopy of the Gate Register of Bhopal as well as Secunderabad which indicates that the name and signature of the applicant do not find place. The stand taken by the respondents in the counter affidavit is that when the applicant went on leave from the Training Centre, Bhopal, he ought to have reported back, after completion of leave period, and to have submitted his joining at Bhopal, but neither his name nor his signature finds place in the Gate Register at Bhopal, what to say at Secunderabad, and as such he was rightly refused for training as per policy laid down in the Training Policy on Relegation of a Recruit issued vide Integrated HQ of MoD (Army) (AG Branch) letter No. A/20314/MT-3 dated 28.2.1986 and paras 377, 378 and 381 of Regulations for the Army, 1987 (Revised Edition).

6. To sum up the case we find that the applicant, who was recruited in the Army and was undergoing training at the 1 Training Battalion, 3 EME Centre, Bhopal, to enable him to become a trained soldier, failed to join his training after completion of his leave from 13.12.2012 to 16.12.2012 either

at Bhopal or at Secunderabad which is evident from the Gate Register of both the places, i.e. Bhopal and Secunderabad. Therefore, the applicant was rightly refused by the respondents to complete his training.

7. In view of above, no direction can be issued by this Court to the respondents to allow the applicant to complete his training. Accordingly, this Original Application is misconceived and stands dismissed, without any order as to costs.

(Lt. Gen. A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

PG.