

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

104.
OA 1537/2018

Sgt Dinesh Chandra Mali Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. V.S. Kadian, Advocate
For Respondents : Mr. V.S. Tomar, Advocate

CORAM:

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN SANJIV CHACHRA, MEMBER (A)**

**ORDER
17.09.2018**

The applicant, who is a Sgt in the Indian Air Force, has sought discharge from service on compassionate grounds, before expiry of requisite period of regular engagement on the ground that he has not been able to clear his requisite promotion exam.

His application for such a discharge was dismissed vide order dated 4th September, 2018 as “devoid of merit” and thus assailed through the medium of instant application.

The learned counsel for the applicant, at the admission stage, has drawn our attention to the Air Force Order (AFO) No.16 dated 16th September, 2008 that lays down the policy for discharge from service on compassionate and other grounds: Airmen/NCs (E), which is applicable in this case, in particular Para 2(f) “other valid personal reasons deserving sympathetic consideration” as the cause for consideration. We have perused

the policy letter and the grounds laid down for acceptance of such a discharge. We, however, feel that the application is premature at this stage as the applicant has not yet been superseded by his junior in promotion, as laid down in Para 5 of the said AFO. Records also reveal that the applicant has not yet exhausted the statutory remedies available under the Air Force Act and instead filed the present OA. We thus do not find any ground for admitting the case at this stage.

The OA 1537/2018 is accordingly dismissed in limine.

**(VIRENDER SINGH)
CHAIRPERSON**

**(SANJIV CHACHRA)
MEMBER (A)**

17.09.2018/vks