

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

1.

OA 3481/2023

Gnr Pankaj Rathore	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant : Mr. Nirdesh, Advocate for
Mr. Sourabh Saini, Advocate
For Respondents : Mr. Rajan Khosla, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

13.12.2023

Learned proxy counsel for the applicant today again points out that the arguing counsel is not present and, therefore, he prays for an adjournment.

2. On 6th November, 2023, the counsel took time when we had prima facie indicated that the application is not maintainable for the reasons indicated in that order. The prayer made by the applicant reads as under:

“a) The representation/application of the applicant be directed to dispose and adjudicate by passing the speaking order upon the same.

b The department be directed to deploy the applicant into any unit or regiment throughout India other than 1907 Med Reg.

c) The directions be passed to the respondent to not to stop the salary of the applicant and all the arrears of

the salary since Jan 2023 be rentered to the applicant in the interest of justice.

d) The respondent be directed to not to initiate any coercive measures upon the applicant to insist him to join the 1907 Med Reg.

e) The respondent be directed to conduct the detailed investigation of the incidents and atrocities caused to be applicant by the commanding officer of 1907 Med Regt. And to take action upon the same accordance with law.

f) Any other order be passed by this Hon'ble Tribunal as the tribunals deems fit and proper."

3. The issue pertains to posting of the applicant to a particular regiment and in accordance to the provisions of the Armed Forces Tribunal Act, 2007 under the definition of 'service matters' as defined in Section 3(o) exclusion Clause (ii) which reads as under:

(ii) Transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950)."

As per the above definition, posting including change of place and orther issues are beyond the purview of this Tribunal.

4. That being so, the prayer of the applicant to deploy him in a particular regiment and permit him to join at the same place is an issue which is beyond the purview of this Tribunal. We,

therefore, dismiss this OA as not maintainable on the grounds indicated hereinabove. However, liberty shall be available to the applicant to take recourse, as may be available to him in law, in case he has any other grievance in the matter.

5. OA stands dismissed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

/vks/