

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

102.

OA 1769/2018

Hav SHT Pradeep Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. V.S. Kadian, Advocate
For Respondents : Mr. J.S. Rawat, Advocate
Maj Priti Tyagi, OIC Legal Cell

CORAM:

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

ORDER
31.10.2018

Heard learned counsel for the applicant.

It needs to be mentioned here that the applicant had earlier moved the Tribunal vide OA No.1620/2018 which came to be disposed of vide order dated 3rd October, 2018. The operative part of the said order reads:

We intend to dispose of the instant matter at this stage itself as in our considered view the applicant has been able to carve out certain exceptional grounds in the OA, therefore a direction is issued to the respondents to treat the instant OA as a fresh representation on behalf of the applicant for the relief asked for in the instant OA for according consideration to the same. Till then the impugned discharge order dated 28th August, 2017 shall remain in abeyance. (Copy of the OA is also provided to learned counsel appearing for the respondents)

We also make it clear that in the event of any adverse orders being passed on re-consideration, the same shall be provided to the applicant within a week thereafter and the

impugned order of discharge dated 28th August, 2017, kept in abeyance shall remain in abeyance for two weeks from the passing of the order.

Pursuant to our order dated 3rd October, 2018 the statutory complaint filed by the applicant now stands disposed of vide the impugned order dated 23rd October, 2018. The applicant carves out certain grounds for setting aside of the said order and we have gone through the same.

Issue notice. Mr. J.S. Rawat, learned counsel appearing for the respondents, accepts notice. Service is thus complete.

Heard Mr. Kadian for the interim relief also. We do not find it to be a case of any interim relief. Prayer thus stands declined. Rather we make it more clear that since the statutory complaint has been disposed of by the respondents vide impugned order within the stipulated period and that the applicant has also now knocked the doors of the Tribunal impugning the said order, another seven days time which is available to the applicant thus stands exhausted. The discharge order shall be made effective from today itself as a normal discharge and that the retention of the applicant into service with the respondents shall be subject to the outcome of the main OA..

Four weeks' time is granted to the respondents to file counter affidavit. Rejoinder, if any, within two weeks thereafter.

List again on 18th December, 2018.

To be indicated in the **ORDERS COLUMN**.

As requested copy of this order be handed over **DASTI** to
Maj Priti Tyagi, OIC, Legal Cell for compliance.

(VIRENDER SINGH)
CHAIRPERSON

(SANJIV CHACHRA)
MEMBER (A)

31.10.2018/vks