

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

84.

OA 3508/2023

| | | |
|---------------------------|-------|-------------|
| Ex Sub Rathinder Nath Roy | | Applicant |
| Versus | | |
| Union of India & Ors. | | Respondents |

| | | |
|-----------------|---|--|
| For Applicant | : | None |
| For Respondents | : | Dr. Vijendra Singh Mahndiyan, Advocate |

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
01.08.2024

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, the applicant has filed this OA and the prayer made in Para 8 reads as under:-

- (a) To direct the respondents to dispose the appeal u/s 164(2) of Army Act in prescribed time.
- (b) To pass any other order deemed fit and proper in the facts of the case.

2. Vide the findings and guilt recorded in the Court Martial conducted against the applicant, the applicant was punished and dismissed from service by the Court Martial on 25th July, 2022. Being aggrieved with the finding and the sentence recorded, the applicant filed a (Petition/Appeal) under Section 164(2) of the Army Act challenging the findings and sentence awarded by the Court Martial.

3. The prayer made in the OA is that his (Appeal/Petition) filed under Section 164(2) of the Army Act has not been decided within the prescribed time.
4. Today, respondents have produced before us an order passed on 11 July, 2024 by the Competent Authority deciding the (Petition/ Appeal) filed by the applicant under Section 164(2) of the Army Act.
5. That being so, the only relief prayed for by the applicant, as mentioned in Para 8(a) of the OA, has been granted and, therefore, now nothing further survives for adjudication in the matter.
6. Respondents are directed to communicate the decision dated 11 July, 2024 to the applicant within a reasonable period of time and thereafter liberty shall be available to the applicant to take legal recourse in accordance with law.
7. With the aforesaid, matter stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

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