

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

111.

OA 3508/2023

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

For Applicant	:	Mr. Narender Kaushik & Mr. Pankaj Kaushik, Advocates
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
08.12.2023**

The only grievance made by the applicant in the OA is that the appeal submitted by him under Section 164(2) of Army Act is still pending and has not been decided.

2. Notices were issued to respondents and it is stated by Dr. V. S. Mahndiyan, learned counsel for the respondents, on instructions, that the post confirmation petition filed by the applicant under Section 164(2) is not signed by the applicant and, therefore, it could not be decided and a communication was sent to the applicant for submitting the same along with his signature. Learned counsel for the applicant today produces before us a communication made by the applicant on 09.11.2023 regarding re-submission of the post-confirmation Petition duly signed by him.

3. Even though, the copy of the Post Confirmation Petition submitted along with OA is signed by Shri Kaushik, learned counsel for the applicant. It is however stated before us that the Post Confirmation Petition has already been re submitted with signature of the applicant. If that be so, and the respondents have received the signed copy of the post-confirmation, they are directed to take cognizance of the same and decide it within a period of six weeks from the date of receipt of copy of this order.
4. That apart, in case, applicant has not signed the Post-Confirmation Petition, respondents are free to pass appropriate orders on the same in accordance with law.
5. Re-list on **02.02.2024**.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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