

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

52.

OA 4049/2023

Ex Sgt Rajeev Kumar	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant	:	Mr. Shiv Ram Singh, Advocate and Mr. Girindra Kumar Pathak, Advocate
For Respondents	:	Mr. K.K. Tyagi, Advocate R-1, 2 & 4

CORAM

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

O R D E R  
20.12.2023

Issue notice. Mr. K.K. Tyagi, learned counsel appearing for the respondents No.1, 2 and 4, accepts notice. Let counter affidavit be filed on or before the next date.

2. List again on 18.01.2024.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

The matter is taken up on a mention made by Mr. K.K. Tyagi, learned counsel for the respondents and he pointed out that the impugned order of punishment, i.e., severe reprimand has been granted to the applicant after a

Summary Trial. Therefore, in view of the provisions of Section 3(o)(iv), any punishment other than dismissal or imprisonment for more than three years after Summary Trial is beyond the jurisdiction of this Tribunal and does not come within the definition of service matter and, therefore, it is argued that this application is not maintainable.

2. As this objection is taken at this stage and the fact that learned counsel for the applicant is not present, it is directed that the earlier order passed issuing notice is withdrawn.

3. Registry is directed to supply a copy of this order to learned counsel for the applicant. He may show cause as to how this application is maintainable.

4. List again on **18.01.2024**.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

**Neha  
OA 4049/2023**