

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

137.

OA 1643/2022

Col Ajay Kothiyal (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. A.K. Trivedi, Advocate  
For Respondents : Mr. Rajan Khosla for R 1 and 2  
Mr. Neeraj, Sr. CGSC for R-6

CORAM

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

**ORDER**  
**20.08.2024**

Upon hearing the learned counsel for the parties and perusing the counter affidavit filed by Respondent No. 6, it is observed that in Part II Order issued vide Annexure-R1 on 29.08.2018, the applicant is recorded as having been prematurely retired on 29.08.2018 and was struck off the ration strength by Respondent No. 6 on the same date in the afternoon. Furthermore, it is noted that the applicant relinquished the appointment of Principal on 26.04.2018. In addition, the document marked as Annexure-R2 and the office order dated 24.04.2018 indicate that after accepting the premature retirement of the applicant effective from 26.04.2018, one Captain Hamender Singh, Medical Officer, was directed to look after the affairs of NIM,

Uttarkashi with effect from 26.04.2018 and till the appointment of Principal or Vice Principal or until further orders whichever is earlier.

2. Given these circumstances, the respondents are directed to file an additional affidavit explaining:-

(a) Why the applicant, having relinquished the appointment of Principal on 26.04.2018, was retained on the rolls until 29.08.2018.

(b) What duties, if any, were discharged by him during the period from 26.04.2018 to 29.08.2018.

(c) Why his salary was not paid during this period and whether he performed any duties in this timeframe.

3. The additional affidavit addressing these matters is to be filed within a period of three weeks.

4. List again on 17.09.2024.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

**Ps**