

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

83.

OA 222/2022 with MA 322/2022

Lt Col Pramod Negi

... Applicant

Versus

Union of India &Ors.

... Respondents

For Applicant : Ms. Archana Ramesh, Advocate

For Respondents : Shri Harish V Shankar, Advocate

CORAM :

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

O R D E R
07.07.2023

From the material that has come on record, we find that originally when the Petition was filed, the Petitioner had challenged the order dated 18th July, 2014 (Annexure A-1) by which action was initiated against him for conducting a trial after proceedings were held under Army Rule 22 for hearing of charges and under Section 23 for recording of summary of evidence.

2. Primarily the entire Petition is based on the primes that the action taken by the respondents is barred by period of limitation prescribed under Section 122 of the Army Act and, therefore, the impugned action against the applicant for disciplinary action is barred under Section 122. In response to the same in the counter affidavit which was filed by the respondents on 06.09.2022 from Para 6 onwards, they have clearly stated that by finding the action proposed to be taken in terms of the impugned action to be barred under Section 122, the respondents are now proposing to take

administrative action. That being so, in our considered view, entire Petition has rendered infructuous and the applicant should in normal circumstances challenge the proposed action but at this stage, we are not aware what is the stage of the administrative action and what are the actions proposed to be taken or taken till date by the respondents in pursuance to the averments made in the counter affidavit vide Para 6 onwards, therefore, we direct the respondents to file additional affidavit indicating what action they propose to take in the matter after they had decided not to proceed with the trial in view of Section 122 and what is the difficulty in initiating and concluding the administrative action proposed.

3. They are granted four weeks' time to file additional affidavit.

4. A copy of this order be provided DASTI to learned counsel for both the parties.

5. List the matter again on **16.08.2023**.

**[RAJENDRA MENON]
CHAIRPERSON**

**[C P MOHANTY]
MEMBER (A)**

/jyoti/