

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

74.

RA 55/2024 WITH MA 4624/2024 IN OA 385/2024

Sgt Anoop Kumar PS Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Satya Ranjan Swain, Advocate

CORAM

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

O R D E R
18.10.2024

RA 55/2024 WITH MA 4624/2024

This application has been filed by the applicant under Rule 18 of the Armed Forces Tribunal Procedure Rules, 2008, seeking review of an order passed by this Tribunal in OA 385/2024 on 09.08.2024. There is also a delay of 29 days in filing the RA. The applicant sought premature release from service and the order rejecting the claim for premature discharge on compassionate grounds was set aside. The matter was referred to the Competent Authority for reconsideration and for passing a speaking order. The Competent Authority issued a speaking order on 10.09.2024.

2. The applicant contends that while certain other employees were granted premature discharge his case was not similarly considered. The records indicate that the applicant had sought premature discharge from service and in OA 385/2024 as well as

in the rejoinder had referenced four individuals' cases where premature discharge was permitted. The applicant argues that discrimination has occurred and, therefore, seeks parity with those cases.

3. Merely because premature retirement was granted in the cases of certain employees does not constitute sufficient grounds for reviewing or recalling the order. Each case should be considered separately, particularly since; pursuant to the order passed in OA 385/2024 the respondents issued a speaking order on 10.09.2024. Instead of challenging this order in accordance with the law the applicant has filed the review application on 15.10.2024.

4. In our considered view, there is no error apparent on the face of the record warranting review of the order passes by this Tribunal in OA 385/2024 on 09.08.2024. Therefore, we dismiss this review application granting the applicant the liberty to challenge the speaking order afresh in accordance with the law. The applicant may raise the issue of discrimination in that new application and it will be considered at that stage.

5. Accordingly, the RA is dismissed both on merit and also on the ground of delay.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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