

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

56.

MA 3263/2024 in OA 2888/2023

Rect (Gnr) Prem Chand Kumar Applicant

Versus

Union of India & Ors. Respondents

For Applicant : Mr. BP Vaishnav, Advocate

For Respondents : Dr. Vijendera Singh Mahndiyan, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
10.01.2025

MA 3263/2024

Even though office records indicate that based on an order passed on 29.11.2024, copies of the documents received from the O/o District Court, Aurangabad, Civil Court Campus, Aurangabad, Bihar enclosing the documents received by him from the O/o Superintendant of Police, Aurangabad, Bihar was supplied to counsels of both the parties on 30.10.2024 as is evident from the records. The issue involved in the case is as to whether the action taken by the respondents UOI in the matter of discharging the applicant on the ground that he had suppressed the facts about the pendency of a criminal case registered against him vide FIR No. 01/28 dt 26.01/2018 for offences under Section 341, 323, 308, 504, 506 and Section 34 is correct or not. Initially, when the police verification of the applicant was done even though the Police Authorities has indicated that an FIR

against the applicant was pending but subsequently, it was brought to the notice of the respondents by the Police Authorities that the earlier communication made was not correct and the applicant is not involved in the matter and he has been exonerated in the case. Taking note of the aforesaid, this Court has sought the entire record from the case diary through the District Judge, Aurangabad. The same has been received and now based on this, submissions of the parties are to be heard and a decision taken as to what is the correct position.

2. Dr. Mahndiyan, learned counsel for the respondents wants to go through the records received from the O/o Superintendant of Police and District Judge, Aurangabad and make his submissions. Two weeks' time is granted to the respondents.

3. List the matter on 31.01.2025.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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