

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

4.

OA 100/2025

L/Nk Rajkumar Mandal	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant : Mr. Arvind Kumar & Riti Sarkar,
Advocate

For Respondents : Mr. K K Tyagi, Sr. CGSC

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

ORDER
13.02.2025

Facts of the case indicate that the applicant was enrolled in the Army Corps of Signals on 18.06.2015. However, much before joining the said service, the applicant applied for appointment to a post of graduate teacher with the West Bengal Central School Service Examination in the year 2015. The applicant seems to have succeeded in the said selection process, however, the said process of selection fell into litigation before the Hon'ble Calcutta High Court which directed for staying the recruitment process in proceedings being WPA 20595/2022 and other cases. The appellate side of the Calcutta High Court by a judgment rendered vide Annexure A-3 cleared the selection process only on 28.08.2024 and after the selection was approved by the Calcutta High court, the applicant was called for counseling by the West Bengal Central School Services Commission. Accordingly vide

Annexure A-5 the applicant in November 2024 sought permission to participate in the counseling. His application was forwarded and his request for premature separation and release from service was forwarded to the competent authority along with sanction of the unit concerned and the same is pending as is available on record with the competent authority since November 2024. Now, the applicant's grievance is that he has to join the post to which he has been appointed by the West Bengal Central School Service Commission and in case he does not join by 17.02.2025, his right to join on the selected post would be taken away.

2. The respondents were issued notice and they were directed to inform us as to what is the position with regard to the premature retirement of the applicant, we are informed that the applicant is on leave and, therefore, a final decision on his prayer for premature separation has not been taken. Taking note of the totality of the facts and circumstances, as detailed hereinabove, we are of the considered view that *prima facie* a case is made out by the applicant for considering his case for premature separation and the respondents should be directed to expedite taking a decision in the matter. Accordingly, we direct the applicant to rejoin his duties immediately and the respondents to process his claim for grant of premature separation and decide it within one month of the applicant's re-joining duties. Till a final decision in the matter is not taken and we are apprised of the same, we direct that the appointment of the applicant with the West Bengal Central School

Services Commission/Bengal Govt. shall be kept in abeyance and one post allotted to the applicant shall be kept vacant till further directions by this Tribunal.

3. List the matter for further orders on 20.03.2025.

4. Let a copy of this order be issued **DASTI** to learned counsel for both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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