

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

137.

OA 1829/2024

Col Sudip Chatterjee	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Ms. Megha Agarwal, Advocate
For Respondents	:	Mr. Neeraj, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
25.11.2024

Even though learned counsel for the applicant objects to grant of any further time to the respondents to file the counter affidavit, however, for the purpose of granting PMR to an employee, the respondents' counter affidavit is necessary as the reasons for the non-grant of PMR is a legal issue combined with factual issues which have to be decided based on the counter affidavit filed by the respondents.

2. That apart, the Hon'ble Supreme Court in the case of Amit Kumar Roy Vs. Union of India and Others [(2019) 7 SCC 369] has clearly laid down that the grant of PMR to an employee of the armed forces is not a fundamental right under Article 19 and, therefore, it cannot be claimed as a matter of right. All these issues which are a mixed question

of law and fact need adjudication on merit and the same cannot be done without a counter affidavit. Therefore, as a matter of last indulgence, four weeks further time is granted to the respondents to file the counter affidavit. Rejoinder, if any, may be filed within two weeks thereafter.

3. List again on **04.02.2025**.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

Neha/VB
OA 1829/2024