

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

44.

OA 1067/2024

Nk/TA Rajveer Sharma Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. J P Sharma, Advocate
For Respondents : Mr. Arvind Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
31.05.2024

The matter is listed before this Bench in view of the directions dated 29.05.2024 of Hon'ble Court 1 in MA 2353/2024.

2. Vide order dated 16.04.2024 the respondents had been granted four weeks time to file the counter affidavit with a Rejoinder, if any, of the applicant be filed by the applicant within two weeks thereafter. It is submitted by the respondents that the counter affidavit would be filed accordingly.

3. The proceedings in the OA vide order dated 16.04.2024 have been directed to be listed for the date **02.07.2024**.

4. Presently in view of the show cause notice dated 30.04.2024 which states therein to the effect:-

"1. It is intimated that Ex Serviceman enrolled/ recruited in Ecological Task Force Battalions are initially engaged for a period of two years which is extendable by one year at a time. Extension of service is decided by a Unit Board of Officers. Accordingly, Retention/ Non Retention Board of Officers by 132 Infantry Battalion (TA) Ecological has not included your candidature for further continuation of Service in the unit, as per Rule 14 (b) (iii) (Revised edition 1964). i.e "Service No Longer Required".

2. In view of the above, you are requested to Show Cause, as to why you should not be discharged from 132 Infantry Battalion (TA) Ecological vide Rule 14 (b) (iii) of TA Rules 1948 (Revised edition 1964), under the existing provisions, as referred at Paragraph 1 Above.

3. Your written reply is required to reach this office within 30 days from the receipt of the instant notice. In case your reply is not received within the stipulated period and / or if your reply is not found satisfactory, your service is liable for discharge under Rule 14 (b) (iii) of TA Rules 1948 (Revised edition 1964).”

the applicant has submitted an apprehension that pursuant thereto the applicant is likely to be discharged erroneously within this month i.e. 30.06.2024 and that the present vacation of the AFT, PB, New Delhi would commence from 01.06.2024 and that the applicant would suffer irreparable loss. Though a submission is made on behalf of the respondents that the matter be re-notified before the vacation Bench, we do not consider it appropriate to re-notify the matter for hearing before the vacation Bench.

5. In the circumstances, it is directed that the applicant shall not be discharged till the next date of hearing in the matter i.e. 02.07.2024 for which date the matter be re-notified accordingly.

6. Copy of the order be given DASTI as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)