

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

1.

OA 2017/2025

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|--------------------------|-------|--------------------------------|
| POME Mukesh Kumar (Retd) | | Applicant |
| Versus | | |
| Union of India & Ors. | | Respondents |
| For Applicant | : | Mr. Vivek Bhai Patel, Advocate |
| For Respondents | : | Mr. Niranjana Das, Advocate |

CORAM

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

O R D E R
07.08.2025

In compliance with the order passed by this Tribunal on 11.07.2025, the applicant has filed an additional affidavit. However, the additional affidavit filed by the applicant is not at all convincing. Instead of filing a regular appeal against the impugned orders dated 25.07.2024 the applicant claims to have submitted a legal notice-cum-first appeal through his counsel vide Annexure A3 on 01.10.2024.

2. As there was no proof of dispatch or acknowledgments of the said application, this Tribunal vide order dated 11.07.2025 directed the applicant to furnish the acknowledgment or file an additional affidavit in that regard. Now, the applicant has filed an additional affidavit, wherein, in Para 2, it is stated as under:

2. *That I had submitted my duly signed Legal Notice-cum-First Appeal dated 01 October 2024 to the respondents (through the representative of the Navy Legal Cell) through my counsel By Hand. Wherein, a copy of the Legal Notice-cum-First Appeal was also forwarded to the respondent on 10 October 2024 via email on their official email id: sparshmig-navpen@navy.gov.in, dpa@navy.gov.in; and dpalesgalsection@gmail.com. However, no reply received on my appeal and the same is still pending with the respondent. A copy of the email is placed at Annexure to this affidavit.*

3. It is surprising that a legal notice-cum-first appeal said to have been submitted through learned counsel is claimed to have been handed over via the Navy Legal Cell without any acknowledgment on record. The explanation provided is not convincing and is not accepted by this Tribunal. It is further stated that an email was forwarded by counsel on 10.10.2024 (Annexure A7), enclosing the legal notice.

4. In our considered view, the applicant is attempting to offer explanations for the delay and irregularity; however, in the interest of justice, we deem it appropriate to treat the present application as a first appeal filed by the applicant. Accordingly, we direct the respondents to place the same before the Appellate Authority. The Appellate Authority is directed to consider the same on its own merits and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

5. With the aforesaid directions, the OA stands disposed of.

6. Let a copy of this order be given '***DASTI***' to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

/PS/
OA 2017/2025