

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

13.

OA 2598/2025

CPL Mayank Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. S. R. Swain, Advocate with
Mr. Ankush Kapoor, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
25.08.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this petition and the prayer made in Para 8 reads as under:-

- (a) To direct the respondents to bring all relevant documents pertaining to the Application made by the Applicant on record along with other relevant documents with an advance copy to the Applicant.
- (b) To quash/set aside the Order dated 30.05.2025.
- (c) To grant Pre Mature Discharge from Services on compassionate ground to the Applicant.

(d) To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.

2. A perusal of the impugned order vide Annexure A-1 dated 30.05.2025 goes to show that with reference to an application submitted by him for discharge from service on extreme compassionate ground in Para 2(a), (b), (c) and (d), the following submissions are made by the respondents.

“2(a) As per Para 1, service circumstances compel air warrior to forward discharge application. The photo copy of counselling register of the last few quarters may also be forwarded along with the application, to substantiate his statement.

(b) As per Para 3, he is facing continuous difficulties for maintenance of his ancestral property. However, valid proof of ancestral property not found attached with the application.

(c) As per Para 6, individual's father-law is struggling to maintain his property. However, valid proof of his property not found attached with the application.

(e) As per Para 7, his wife and in-laws have two prestigious residential properties in Bhubaneswar City. However, valid proof of is residential property not found attached with the application.

These are nothing but information and documents which have been sought for by the respondents. In case, the documents are available with the applicant, he should forward it to the respondents and in case, they are not available, he should indicate so along with his justification or reasons for the same. A perusal of the application for discharge submitted by the applicant goes to show that he is

seeking PMR on account of family issues and issues pertaining to taking care of his property etc on the ground that nobody is available to take care of his property. That being so, it is a case where final discharge in the matter of grant of PMR from service to the applicant is yet to be taken. The respondents wants certain information and documents from the applicant and on receipt of the same, it is the respondents who would process his claim in accordance to the requirement of the Army Instructions and Policy and take a final decision. The applicant has approached to this Tribunal even before the discharge is taken and wants PMR. Instead of furnishing information and documents sought for or submitted his explanation or say, on the communication vide Annexure dated 30.05.2025 turning it to be an impugned order, the applicant has challenged the same. Respondents have therefore raised the objection to say that this application is Pre-Mature. The applicant instead of cooperating and giving information and documents has reached to this Tribunal seeking PMR even before the Competent Authority has not taken a decision in the matter.

Keeping in view the aforesaid, we are not inclined to interfere into the matter on merit, at this stage, we dispose of this application with the following directions:-

- (a) “The applicant shall submit documents and information sought vide Annexure A-1

dated 13.05.2025 within a period of one month from the date of receipt of a copy of this order. In case, any document or information is not available to him, he can say so along with his explanation for the same.

- (b) On receipt of the information, reply or documents from the applicant, the respondents shall process his application and take a final call on the same within a period of 03 months of the receipt of the documents and information.

With the aforesaid, for the present, the application stands disposed of.

Needless to emphasized that in case still aggrieved, the applicant shall have the liberty to assail the action of the respondents afresh in accordance with law.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[RASIKA CHAUBE]
MEMBER (A)**

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