

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

1.

OA 1183/2024

Col Anjan Kumar Sinha Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Applicant-In-Person
Mr. Govind Bali, Advocate
For Respondents : Gp Cpat. Karan Singh Bhati, Sr CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN P.M. HARIZ, MEMBER (A)

ORDER
02.05.2024

The applicant vide the present OA makes the following prayers vide para 8 thereof to the effect:-

- “1. To grant Hon'ble Tribunal be pleased to pass an order for the petitioner to complete his tenure at AFT Mumbai.*
- 2. This Hon'ble Tribunal may further be pleased to hold and declare that repatriation is not on administrative exigency grounds and hence illegal and arbitrary and the Applicant is entitled to continue for the tenure of three years with all consequential benefits.*
- 3. That the Costs of the application and the compensation against mental harassment and humiliation be provided for.*
- 4. Alternately that the individual be given full tenure of 24 months in Mumbai as applicable where it was curtailed for 15 months in the eve of reparation after having been relieved for minimum 24 months for the tenure.*
- 5. That if this Hon'ble Tribunal is not pleased to pass on order as prayed for in prayer one then the tribunal be pleased to allow the applicant for all other deputations without any cooling off period.”*

Along with the same is a prayer seeking grant of interim relief vide para 9 thereof to the effect to the effect:-

“

1. *That This Hon'ble Tribunal be pleased to pass an order for the petitioner to complete his tenure at AFT Mumbai.*
2. *This Hon'ble Tribunal may further be pleased to hold and declare that repatriation is not on administrative exigency grounds and hence illegal and arbitrary and the Applicant is entitled to continue for the tenure of three years with all consequential benefits.*
3. *That the Costs of the application and the compensation against mental harassment and humiliation be provided for.*
4. *That if This Hon'ble Tribunal is not pleased to pass on order as prayed for in prayer one then the tribunal be pleased to allow the applicant for all other deputations.*
5. *Alternately, the individual be given full tenure of 24 months in Mumbai as applicable where it was curtailed for 15 months in the eve of reparation after having been relieved for minimum 24 months for the tenure*
6. *That the individual was posted to Hisar for a period of 39 months and at Udhampur for a period of 28 months, That if This Hon'ble Tribunal be pleased to pass an order that the petitioner can be considered an extension period of 24 months so that the individual is able to maintain the stability of the education of his child at one place.”*

Notice thereof is issued to the respondents and accepted on their behalf. The pleadings in the matter be completed by either side within a time frame of two months. The matter be listed before the Principal Registrar for completions of pleadings on 17.05.2024 and before the Bench immediately thereafter in the next week. The applicant has filed written submissions on 30.04.2024 which vide para-9 thereof *inter alia* state to the effect:-

“for fraudulent promotion done by erstwhile Honorable Member Retired Justice Mishra in his capacity of officiating Chairperson somewhere in 2016-17. Current HoD Retired Justice Shailendra Shukla is a brother in Law of Retired Justice Mishra.”

which are wholly scandalous and are expunged from the record. Presently no interim relief is granted.

The records of OA 330/2023 before the Hon’ble CAT, Mumbai have been placed before the Bench in the e-form. The applicant in reply to a specific Court query submits that he has not filed any OA before the Armed Forces Tribunal previously.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(LT GEN P.M. HARIZ)
MEMBER (A)**

Pooja