

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

90.

OA 963/2024

Hav (CLK SD) Sunil Kumar	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Manoj Kr Gupta and Mr. Kritendra Tiwari, Advocate
For Respondents	:	Mr. S S Sinha, Advocate

CORAM

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

O R D E R
06.02.2025

Taking note of the fact that the applicant is seeking a decision on his application submitted on 28.03.2023 for grant of Pre-mature Discharge from service and during the pendency of the matter before this Tribunal, initially, the respondents came out with a case which was recorded on 04.09.2024 that on account of Covid Pandemic cases of Pre-mature discharge are not considered and now after the pandemic is over, cases are being considered. We were informed that the documents alongwith recommendations of the District Sainik and Ardh Sainik Welfare Office forwarded to the Competent Authority and the final decision was to be taken. When the matter came up before this Tribunal on 16.01.2025, we were informed that the applicant has

submitted all the documents which were called for and therefore, a decision is now to be taken by the Competent Authority. Today, when we take up the matter for consideration, on instructions, learned counsel for the respondents informs us that he is not aware as to what decision has been taken by the Competent Authority on the issue in question. Taking note of the totality of the facts and circumstances of the case and the prayer made by the applicant, we direct that the Competent Authority shall take up the application submitted by the applicant on 28.03.2023 for grant of Pre-mature discharge, evaluate it in the backdrop of the policies and principles applicable based on the documents submitted by the applicant and thereafter, take a decision and bring it on record on the next date of hearing.

2. List the matter for further hearing on 17.03.2025 on which date the entire decision taken in the matter and the file processing the claim of the applicant shall be placed on record. In case, Pre-mature discharge is granted, the issue would become infructuous otherwise, the applicant will have the liberty to challenge the action taken in these proceeding and we want to examine the same. The respondents will consider the claim of the applicant for grant of Pre-mature discharge not only on the basis of the documents submitted

by the applicant in response to the notice issued by the respondents but also on the basis of the material placed in the rejoinder.

3. Let a copy of this order be given '*Dasti*' to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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