

**COURT NO.2, ARMED FORCES TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

9.

**OA 1001/2020**

**Nb Sub Dinesh Kumar**

**....Applicant**

**Versus**

**Union of India & Ors.**

**...Respondents**

**For Applicant**

: Mr. Udghosh, Advocate

**For Respondents**

: Mr. J.S.Rawat, Advocate

and Maj Sonali Tiwari, OIC, Legal Cell

**CORAM:**

**HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)**

**HON'BLE AIR MARSHAL B.B.P. SINHA, MEMBER (A)**

**ORDER**

**27.08.2020**

Vide this OA, the applicant seeks quashing of the order of the Commanding Officer for not recommending grant of extension to the applicant as published vide Part-II of the order dated 17.05.2019 besides other reliefs. By way of interim relief, he is seeking his stay of retirement.

It is pointed out by Maj Sonali Tiwari that although the impugned order was passed way back on 17.05.2019. However, the statutory complaint was made by the applicant only on 04.03.2020 which is beyond the statutory period of six months. She will enquire about the fate of the statutory complaint filed by the applicant.

It is further submitted that since the applicant was not found suitable, therefore, further extension has not been recommended. Keeping in view the aforesaid facts, since the applicant himself has delayed in approaching the competent authority by filing the statutory complaint, therefore, at this stage, we do not

deem it appropriate to pass any interim order in favour of the applicant.

Heard. Admit.

Issue notice to the respondents in OA.

Notice is accepted by Mr. J.S.Rawat, Advocate on behalf of the respondents. He seeks time to file counter affidavit. Same be filed within four weeks with an advance copy to counsel for the applicant.

List on **15.10.2020** before the Principal Registrar for completion of pleadings.

**(JUSTICE MS. SUNITA GUPTA)**  
**MEMBER (J)**

**(AIR MARSHAL B.B.P. SINHA)**  
**MEMBER (A)**

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