

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

142.

OA 1328/2023

Sub (Pharma) Shivakumar M Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Indra Sen Singh, Advocate
For Respondents : Mr. Satya Ranjan Swain, Advocate with
Mr. Ankush Kapoor, Advocate

CORAM

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

O R D E R
13.01.2025

Having heard learned counsel for the parties, we find that the only prayer made by the applicant in this application is to quash the orders dated 17.01.2023 (Annexure A-1) whereby his Statutory Complaint dated 01.02.2021 has been rejected and the order dated 25.08.2020 (annexure A-2) whereby his prayer for Pre-mature retirement has been rejected.

2. It is submitted by Mr. I. S. Singh, learned counsel for the applicant that initially when the applicant sought for pre-mature retirement, it was indicated that on account of COVID-19 pandemic cases of pre-mature retirement are not being considered and when he applied after COVID-19 period his case was again rejected. Primarily, the case of the applicant is that he has been discriminated upon, and in cases of various other employees, details of which are given in Para 4- I and M. Learned

counsel for the applicant invites our attention to the averments made by the applicant in Para 4- I to M of the pleadings wherein he has referred to cases of various similarly situated employees in the category of Pharma/Sub Pharma whose claim were considered and pre-mature retirement on compassionate ground have been granted. The applicant had referred to various persons specifically by their name in the said paragraph. Similar statements are made before us at the time of hearing and learned counsel for the applicant invites our attention to a statutory complaint filed by one JC 702160L Sub (Pharm) Kumar M., in whose case also while considering his Statutory Complaint, pre-mature retirement has been granted. Emphasising that in case of similarly situated employees pre-mature retirement has been granted and in the case of the applicant only administrative constraints and requirement of the applicant's service are indicated, nothing has been pointed out as to what is the difference between the case of the applicant and cases of persons referred to by the applicant as detailed hereinabove in whose cases pre-mature retirement have been granted.

3. On going through the pleadings we find that the respondents have not specifically stated as to what was the difference between case of the applicant and other employees in whose cases PMR has been granted. Learned counsel for the applicant also invites our attention to an order passed recently by the Regional Bench, Lucknow on 6th March, 2024 in

OA 1041/2023 in the case of *Hav Sujith V Vs Union of India and Ors.* wherein on similar circumstances the respondents have been directed to re-examine the matter and take a decision afresh in accordance with law.

4. Keeping in view the aforesaid, we direct the respondents to re-examine the case of the applicant based on the policy in vogue and the benefits based on the same policy granted to different employees as detailed hereinabove and take a decision in the matter within four weeks and submit a report to this Tribunal. In case pre-mature retirement is being granted, the same be brought on record, else it shall be incumbent to respondents to give comparative reasons and statement as to how the case of the applicant is different from the other persons with whom the applicant has examine his case. Needless to emphasize that in case we find discrimination and disparity in dealing with the matter of the applicant, we would interfere in the matter in accordance with law.

5. With the aforesaid, we direct the matter be listed on 3rd March, 2025 to be treated as **Part Heard**.

6. Order '***DASTI***'.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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