

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

103.

OA 1719/2024 WITH MA 5556/2024

Ex Rect Sonu Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. R S Chhillar, Advocate

CORAM

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

O R D E R
15.01.2025

MA 5556/2024

Counter affidavit has been filed. There being some delay in filing the counter affidavit, this application has been filed seeking condonation of delay. Delay condoned. Counter affidavit is taken on record.

2. MA stands disposed of.

OA 1719/2024

3. Taking note of the fact that the applicant was dismissed from service on account of submitting false documents in seeking appointment and based on the criminal case initiated against him. The dismissal was carried out after issuing a Show Cause Notice for short 'SCN' and exercising the powers available to the respondents under Section 20(3) read with Rule 17 of the Army Act, 1950, and the Army Rules, 1954.

4. Following the acquittal of the applicant in the criminal case, we, *prima facie*, are of the considered view that the applicant is entitled to reinstatement in service. However, the respondents may take appropriate action against the applicant for service misconduct, if permissible under the law, or for reasons concerning the lack of confidence in retaining such an employee in military service.

5. It is, however, made clear that any such action can only be taken after the applicant is reinstated into service. Thereafter, the respondents may proceed in accordance with law and the applicable regulations.

6. Faced with the above situation as indicated by this Tribunal, the learned counsel for the respondents prays for and is granted four weeks' time to seek instructions in the matter.

7. List the matter again on **19.02.2025** as **Part Heard**.

8. A copy of the same be given *'DASTI'* to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)