

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

140.

OA 2293/2024 with MA 224/2025 & 3501/2024

Maj Pinki Kumari	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

WITH

141.

OA 3784/2023 with MA 3267/2024 with MA 3268/2024

Maj Gurjeet Singh Kaler	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

WITH

142.

OA 3243/2024

Lt Col Parag Doval	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant	:	Mr. Rajiv Manglik, Advocate
For Respondents	:	Gp Capt Karan Singh Bhati Sr CGSC Mr. Neeraj, Sr. CGSC Mr. Satya Ranjan Swain, Advocate

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

ORDER  
27.02.2025

MA 224/2025 in OA 2293/2024

For the averments made in the application, delay in filing the additional affidavit is condoned. Additional affidavit is taken on record. MA stands disposed of.

OA 2293/2024 with MA 3501/2024 and

OA 3784/2023 with MA 3267/2024 with

MA 3268/2024

2. Respondents, on instructions, inform us that statement of witnesses recorded in the Court of Inquiry and the documents which are part of the inquiry produced by the witnesses and marked as exhibits in the Court of Inquiry shall be supplied to the applicant. As far as directions, regarding supply of copy of the findings and opinion of the Court of Inquiry is concerned, they being confidential cannot be granted to the applicant.

3. However, we feel that based on what is recorded and the opinion given, when administrative action is being taken against the applicant and based on which show cause notice is being issued, the principle of natural justice requires that the applicant should be provided copies of findings of the Court of Inquiry, the opinion of the Court of Inquiry and direction issued. If these cannot be given being confidential documents, at least inspection of all these documents should be granted to the applicant on a date fixed by the Competent Authority. The applicant shall appear before the Competent

Authority and be shown all the documents and permitted to make notes after seeing the same to defend himself/herself. After the aforesaid inspection process and supply process of the documents is done, the matter be reported back to us and applicant shall reply to the show cause notice within two weeks thereafter.

**OA 3243/2024**

4. After orders with regard to permitting inspection of documents were passed in connected matters, i.e., OA 2293/2024 and OA 3784/2023, in this case learned counsel for the respondents invited our attention to the opportunity granted to the applicant for the purpose of inspection of documents and other material as detailed in Para 6 of the show cause notice (Annexure A-2) dated 31.01.2024. The said directions issued in the show cause notice reads as under:-

“6. Requisite proceedings of the Court of Inquiry less Findings, Opinion, Recommendation/Directions and Exhibits thereon are enclosed herewith. Considering the obscene nature of evidence contained in the exhibits of the Court of Inquiry, sanction of the Chief of the Army Staff has been obtained under the provisions of Army Rule 184(2) for withholding the exhibits of the said Court of

Inquiry. However, it is intimated that a copy of exhibits is kept at Discipline & Vigilance Directorate, Integrated Headquarters of Ministry of Defence (Army), New Delhi. You are at liberty to peruse the exhibits, if so desired, in coordination with Discipline & Vigilance Directorate, Integrated Headquarters of Ministry of Defence (Army), New Delhi for processing your reply to this Show Cause Notice.”

5. That apart, learned counsel for the respondents invites our attention to two orders passed in a pending Writ Petition before the Delhi High Court being WP No. 859/2025 and CM Appl. 4213/2025. This order was passed on 23.01.2025 and second order was passed on 19.02.2025. While considering the CM Appl. 4213/2025 in the same writ petition and having gone through the second order passed on 19.02.2025, we find that even though the OA 1682/2021 has been restored back to its original file with a direction to decide it on its merit, we find in OA 3243/2024, the grievance of the applicant, primarily, is that he is being directed to reply show cause notice based on the finding and directions of Court of Inquiry without providing him copies of the same. Similar is the grievance of the applicant in other two connected matters, (OA 2293/2024 and

OA 3784/2023) and we have passed a detailed order in the said cases with regard to providing certain documents of the Court of Inquiry and other documents which cannot be provided, be provided for inspection by the applicants in the presence of the respondents as indicated in para 6 of the show cause notice issued in January, 2024 but the applicant did not avail this opportunity. The requirement of law is that not providing all the material collected against the applicant based on which the Court of Inquiry has been conducted only on the ground that the applicant did not avail the opportunity when provided for responding to the show cause notice will not curtail the right available to the applicant and we are not inclined to not grant this opportunity to the applicant. Accordingly, we direct that in the present case all the directions of inspection as contained in the order passed by us today in OA 2293/2024 and OA 3784/2023 shall be followed with regard to supply of copies of the documents and the inspection of the confidential documents shall be granted to the applicant.

6. List all these matters on 24<sup>th</sup> April, 2025 to enable the respondent to provide documents, permit inspection and

thereafter applicant may submit the reply to show cause notice within two weeks after supply and inspection of the documents.

7. We may indicate that if the applicant does not avail the opportunity granted in this order, no further opportunity shall be granted to the applicant.

8. Let a copy of this order be provided *DASTI* to learned counsel for the parties.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

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