

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

17.

OA 3783/2025

Naik Rahul Yadav (Radio Operator) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Deepak Bansal, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC

CORAM

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

O R D E R
27.11.2025

OA 3783/2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act 2007, the applicant has filed this application and relief claimed in para 8 reads as under:-

- “I) Call for records of the case whereby the respondents have taken decision to Charge-sheet the applicant.
- II) To quash/set-aside impugned charge-sheet dated 20.11.2025 (Annexure A-1) and warning order reference no. CF/15230861F/A dated 20.11.2025 (Annexure A-2) in violation of mandate of Section 122(4) of Army Act, 1950.
- III) Any other order or relief deemed fit by the Hon'ble Tribunal in the circumstances of the case.”

2. On account of certain acts of commission and omission committed by the applicant in the matter of seeking the employment by producing false educational qualification documents and wrong statements made at the time of enrolment,

charge sheet has been issued to the applicant and summary trial is in progress. Challenging the charge sheet and summary trial in the initial stage itself on the ground that allegations are false, the applicant has approached this Tribunal. Respondents raise a preliminary objection to submit that at this stage the application is premature. The Court of Inquiry was conducted with regard to complaints received against the applicant in the matter of producing fake educational certificate, Prima facie, a case having been made out in the Court of Inquiry, regular trial in a Summary Court Martial proceedings has been initiated and a charge sheet has been issued to the applicant. It is the objection of the respondents that instead of defending the charges leveled in the trial, the applicant has rushed to this Tribunal at the stage of issuance of charge sheet itself and wants quashing of the proceedings.

3. Having heard learned counsel for the parties, we are of the considered view that prima facie, finding a case made out on a Court of Inquiry conducted into the complaint, trial has been initiated against the applicant for the charges leveled against him in the impugned charge sheet (annexure A-1) by the Competent Authority and at this stage when only a charge sheet has been issued to the applicant it is not appropriate for this Tribunal to invoke its statutory jurisdiction under Section 14 of the Armed Forces Tribunal Act, 2007 and interfere into the matter on merit.

The applicant should raise all defence and objections as pleaded or available for his defence before the authority conducting the trial. It would be for the said authority to examine and take a decision in accordance with law at the first instance. Thereafter, if any grievance still subsists, the applicant can challenge the action after finality is attained to the proceedings of the Summary Court Martial.

4. Accordingly, at this stage finding no case made out for interference, the application stands dismissed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Priya