11.

OA 4047/2025

Hav (BTA) Kuppani Suresh   .....   Applicant
Versus
Union of India & Ors.   .....   Respondents

For Applicant   :   Mr. Suresh Kumar Palta, Advocate
For Respondents   :   Mr. Govind Narayan, Advocate

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

O R D E R
05.01.2026

The impugned order of punishment challenged in this application under Section 14 of the Armed Forces Tribunal Act, 2007, is an order of severe reprimand with seven days pay fine. The punishments have been imposed after a Summary Trial.

2.   Under the provisions of Section 3(o) of the Armed Forces Tribunal Act, 2007, service matters have been defined. In the first part of the definition is an inclusive clause indicating the disputes which come within the purview of service matter. The second part of the definition is an exclusive clause wherein from clause (i) to (iv) matters indicated therein are excluded from the definition of service

matters. Under the exclusion clause, clause (iv) reads as under:

> *"(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months"*

3. That being so, the summary cases as defined in 3(p) and a punishment imposed after summary proceedings which are not a punishment as defined in sub-clause (iv), i.e., dismissal or imprisonment for more than three years does not fall within the purview of service matter as defined under Section 3(o). That being so, for the punishment in question which does not fall within the exclusive clause contained in sub-clause (iv) of Section 3(o), this Tribunal does not have jurisdiction in the matter and, therefore, on account of lack of jurisdiction, we dispose of the matter with liberty to the applicant to take recourse to the remedy available in accordance with law before an appropriate forum.

4. Accordingly, the OA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

Neha
OA 4047/2025