

COURT NO. 3, ARMED FORCES TRIBUNAL, D

PRINCIPAL BENCH, NEW DELHI

O.A. No. 137 OF 2010

IN THE MATTER OF :

Nk/Dvr Shiv Bahadur

.....Applicant

VERSUS

Union of India & Others

.....Respondents

Dated: 10-03-2010

Present: Col. (Rtd.) S.R. Kalkal, counsel for the Applicant.
Mr. Ankur Chhibber, counsel for the Respondents.

Heard and perused the record.

By way of the present application, the Applicant has prayed to set aside the summary punishment of severe reprimand awarded to the Applicant on 05-10-2009. He has also challenged the consequential order of discharge dated 06-11-2009 issued on the basis of the summary punishment.

We have perused the definition of service matter given in Section 3(o) of Armed Forces Tribunal Act, 2007 which does not include summary disposals in service matters unless the punishment is of dismissal. Hence, present application is not maintainable before this Tribunal.

At this stage, learned counsel for the Applicant prays that he may be given liberty to take legal recourse at the appropriate courts.

Considering the above submission and facts of the case, present application is dismissed as not maintainable. Applicant is free to take legal recourse as he wishes. Copy of order be given Dasti as prayed. File be consigned to Record Room.

MANAK MOHTA,
(Judicial Member)

Z.U. SHAH,
(Administrative Member)

Dated: 10-03-2010