

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI**

T.A. No. 565/2009

[WP(C) No.7234/99 of Delhi High Court]

Sepoy Jasbir SinghPetitioner

Versus

Union of India & Ors.Respondents

For petitioner: Wg Cdr (Retd.) H.M. Sethi, Advocate

For respondents: Sh.Anil Gautam, Advocate

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

**ORDER
22.03.2010**

1. The present petition has been transferred from Hon'ble Delhi High Court to this Tribunal on its formation.

2. Petitioner by this petition has prayed to issue appropriate writ, order or directions, discharge order dated

22.06.1999 issued by respondent no.1 may be quashed as violative of Sections 43 and 44 of the Army Act. He further prayed that respondents may be directed to convene fresh and independent proper verification by the Military Agencies to establish the true and correct facts, keeping in view the true verification already done in his favour while with Territorial Army and Defence Security Corps (DSC) and he may be reinstated in service with full back wages, privileges and other emoluments as are available to the regular employees.

3. Brief facts which are necessary for the disposal of present petition are that petitioner was recruited and enrolled in 114 Territorial Battalion Army (Jat Regiment) on 31.12.1983. While at the centre of Territorial Army at Fatehgarh, his prescribed and requisite verification was undertaken and details of his personal particular, family particulars and antecedents were duly and specially verified and were found to be absolutely correct and thereafter, he continued to serve the Army as a Sepoy. During his 12 years of tenure in the Territorial Army, he has done a good service and participated in operations like IPFK operation in Sri

Lanka, operation named 'Rakshak' in Assam and operation named 'Pawan' in Srinagar, Jammu and Kashmir. He has served the Country with clean record. After rendering 12 years of unblemished service, he was honourably discharged from Territorial Army in terms and conditions with full benefits on 31.12.1995. Thereafter, he offered his services and was enrolled in the DSC on 12.01.1996 and was posted at Centre at Cannanore (Kerala). There also verification was carried out and same was found to be correct. Therefore, he was posted to 883, DSC Platoon attached to no.3 Wing, Air Force Station, Palam, New Delhi with effect from 06.04.1996 where he was employed under the Command of respondent no.2 for VIP and other security duties which are assigned to DSC personnel and here first time in his service career he was allotted with married accommodation wherein he moved in with his family comprising of his wife and two minor sons. While serving at Palam, he was shocked to receive a show cause notice on 20.05.1999 served on him by respondent no.1 through respondent no.2 dated 10.05.1999 alleging him for impersonated himself as Jasbir Singh son of Sh.Mehtab Singh and joined DSC whereas he is Satbir Singh son of Sh.Abhai Singh and therefore, it was held that he is not desirable to be retained in

services as being fraudulently enrolled in DSC. He was discharged from service. Aggrieved by this, he filed the present petition before the Hon'ble Delhi High Court which was transferred to this Tribunal after its formation.

4. However, a reply was filed by the respondents and respondents took the position that as per the record which has been received, a special re-verification was made by Air Headquarter that petitioner bearing No.10405020-H Sepoy Jasbir Singh of 883 DSC Platoon is actually Satbir Singh S/o. Abhai Singh and he is not Jasbir Singh S/o. Mehtab Singh. It is alleged that all the verifications have been done through the Director General, CID, Haryana and it has been found that he has impersonated for Jasbir Singh.

5. Thereafter, when the matter came up before us we directed that the verification may be done from the Zila Sainik Board. Today learned counsel for the respondents has produced before us the verification report conducted by Zila Sainik Board and in that report they have annexed a certificate issued by the

Sarpanch, Graam Panchayat, Bhadani, Zila Jhajjar wherein she has stated that Jasbir Singh S/o. Sh. Mehtab Singh is the same person and he is permanent resident of Graam Bhadani, Zila Jhajjar and she has further certified that she knows the person personally.

6. After receipt of this verification from the Graam Panchayat, Bhadani, no manner of doubt remains here that there has been some mistaken identity about the person and after having been duly certified by the Sarpanch of that area that he is Jasbir Singh, we see no reason why this fact should not be accepted as against the so-called investigation conducted by the other agencies. Incumbent has put in 12 years of service in the Indian Army and he has already participated in the international operations like Operation in Sri Lanka, there is no possibility of petitioner being impersonated for Jasbir Singh. He is duly verified when he was inducted into Defence Security Corps. Unfortunately, on account of some wrong verification at the Air Force Headquarter, a wrong report has been received that he is impersonating for Jasbir Singh.

7. In view of the verification received from the Zila Sainik Board, we think that there was some mistake about the identity. Therefore, order of termination dated 22nd June, 1999 is set aside and petitioner be reinstated in service with all consequential benefits.

8. Petition is accordingly allowed with no order as to costs.

9. Verification report received from the Zila Sainik Board may be kept on record.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
March 22, 2010.