

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

T.A. No. 613/2009

[W.P. (C) No. 1646/1999 of Delhi High Court]

Ex. Recruit Vineet Kumar

.....Petitioner

Versus

Union of India & Others

.....Respondents

For petitioner: Sh. Vikas Sharma, Advocate.

For Respondents: Sh. Gaurav Liberhan, Advocate.

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

11.02.2010

Petitioner has filed the present petition by challenging the order of discharge dated 02nd June, 1996 on the ground that a Crime Case No.114/94 was instituted by the villagers against the petitioner under section 323/324 IPC. This fact was not disclosed by the petitioner when he was recruited for enrolment in service as a Welder on 26th August, 1995. An inquiry was conducted and it was found that a case was pending against the petitioner under section 323/324 IPC. Therefore, he was discharged for non disclosure and concealing suppression of ~~this~~ fact under Army Rule 13 (3) IV. Though subsequently case under section 323/324 IPC was compromised by the petitioner by the order dated 15.05.1998.

But the fact remains at that time when petitioner was sought to be recruited in the year 1996, he did not disclose the pendency of the case against the petitioner under section 323/324 IPC. Therefore, the discharge of the petitioner under Rule 13 (3) IV was justified for suppressing the true facts. Consequently, there is no ground to interfere in the matter. Same is dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
February 11, 2010