

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

04.

O. A. No. 202 of 2011
With M.A. No. 180 of 2011

Ex Rifleman Naresh Kumar Rao

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. D.K. Sharma, Advocate.

For respondents:

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER
25.5.2011

Heard learned counsel for the petitioner.

The petitioner has been discharged under Army Rule 13(3) III (V) being an undesirable person. He said to have put in 9 years and 122 days of service. He is also suffering from HIV. So far as discharge order is concerned that had been correctly passed because he has four red ink entries in his service career. However since he is HIV and has put in 9 years and 122 days of service, he may make a proper representation to the authorities for condonation of the period so as to make it 10 years that will enable him to get some monetary benefits. Not only he but his wife is also suffering from HIV. Therefore this will be an act of mercy if respondents condone the period to make it 10 years so as to enable the petitioner for monetary benefits in accordance with law. He may make a proper

representation before the authorities and the authorities may consider the matter sympathetically.

With these observations, the petition is disposed of with no order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
May 25, 2011