

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

09.

O.A. No. 359 of 2011
With M.A. No. 337 of 2011

Col. Laxmi Chand Dahiya

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Petitioner in person.
For respondents: Sh. Dalip Mehra, Advocate.

CORAM:

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

ORDER
03.11.2011

1. The petitioner in this petition has prayed that the statutory complaint filed by him, wherein comments of IO, RO and SRO have already been obtained and are available with MS Branch be processed on merits in a time bound manner and submitted to the first respondent for decision on merits.

2. Considering the nature of relief sought in this petition, we are not detailing the facts of the case. However, suffice it to say that the petitioner is a Colonel and he was commissioned in the Army way back in June 1987. The grievance voiced by the petitioner is that his ACRs written by IO, RO and SRO are inconsistent with his previous ACRs. Therefore, he has made a statutory complaint, which has not been disposed of by the Central Government and it is still pending with the M.S Branch. The petitioner submits that the MS Branch has no business to withhold his statutory

complaint and it is only under obligation to forward it to the Central Government for decision.

3. Learned counsel for the respondents submits that the statutory complaint filed by the petitioner is not maintainable as it has been filed on the basis of his apprehension. Be that as it may, it is not the business of MS Branch to consider whether the petitioner's apprehension is misplaced or not and it is for the Central Government to look into the matter and decide. Normally statutory complaints of the officers are sent to the Central Government for disposal. Keeping it with the MS Branch is totally unwarranted.

4. The respondents are directed to immediately forward the statutory complaint of the petitioner with comments, if any, to the Central Government to decide the matter in accordance with law. The petition is disposed of accordingly. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
November 03, 2011
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