

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

19.

T. A. No. 146 of 2009

W.P. (C) No. 6911 of 2009

Ex. Rect. Suresh Chand

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. A.K. Trivedi, Advocate.

For respondents: Sh. Anil Gautam, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

02.06.2011

Both the learned counsel submit that this case is covered by the judgment given in the case of Rakshak Devendra Singh Tomar Vs. Union of India & Ors. bearing O. A. No. 669 of 2010 decided on 25.4.2011. The petitioner in fact was discharged from the Army on 31.8.2000 and he applied on 9.5.2004 for re-employment before the Recruiting Officer and he was enrolled on 23.3.2007 but he was discharged on 14.11.2008 on the ground that he has not been recruited within five years of his discharge. Similar case came before us and we examined all the circulars and have taken a categorical view that there should be a gap of five years from the date of discharge of the petitioner from Army service. If the application filed within five years, then he will be entitled to be considered. Therefore, in view of the decision given by us in the above said case, this petition is also allowed and the order dated 14.11.2008 is set aside. No order as to costs. The respondents shall comply with the order as far as possible within a period of three months.

A.K. MATHUR
(Chairperson)

S. DHILLON
(Member)

New Delhi
June 02, 2011