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COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A. No.146 of 2012

IN THE MATTER OF:

Spr Arvind Sharma

.....Applicant

VERSUS

Union of India & Ors.

.....Respondents

Dated: 19.04.2012

Present: Mr. S.M. Dalal, counsel for the applicant.
Mr. H.S. Pandey proxy for Ms. Barkha Babbar, counsel for
the respondents with Lt. Col. Arun Sharma,

Heard and perused the record.

During the course of submissions, learned counsel for the applicant states that the applicant was invalidated out from service on 23.02.2008 on the basis of Invalidating Medical Board (IMB) proceedings, in which he was declared S-5. In this respect, the applicant again submitted that in the year 2012 he also got examined himself by the All India Institute of Medical Sciences (AIIMS) and in which it was specifically held that he was not having any psychiatric problem.

Learned counsel for the applicant further states that after 2008 he has neither filed any petition before any Court nor he has filed any representation. He further states that under the AFT Act, 2007 the Tribunal came into operation on 10.08.2009 and the cause of action is within three years, therefore, he directly approached the Tribunal for redressal.

During the course of submissions he also stated that before approaching the Tribunal though the applicant was not under obligation to file statutory complaint as he was no more on the strength, but now he requests wishes to file a detailed representation to the concerned authorities first. A request is made that time may be granted to file the said representation with the direction to the authorities to consider his case sympathetically. In this regard, he seeks permission to withdraw the present O.A. with liberty to file the same afresh as and when required.

Considering his request, the present O.A. is dismissed as withdrawn with the liberty as prayed for. The applicant is free to file representation before the respondents and the respondents are directed to dispose of the same preferably within a period of six months. The filing of this O.A. will not come in the way of disposing of the representation of the applicant.

Copy of this order be given Dasti to parties, as prayed for.

M.L. NAIDU
(Administrative Member)

MANAK MOHTA
(Judicial Member)

Dated: 19.04.2012
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