

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

18.

O.A. No. 332 of 2010

Ex. Slt. Bhaskar Shukla

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. Rajiv Manglik, Advocate.

For respondents: Mr. Anil Gautam, Advocate for R-1 to R-3
Mr. Mohan Kumar, Advocate for R-4

CORAM:

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

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

ORDER
05.01.2012

Petitioner vide this petition has prayed that the respondent's order dated 20.02.2010 discharging the petitioner from Naval Service be quashed and respondents be directed to reinstate the petitioner in service with all consequential benefits. It is also prayed that respondents be directed to conduct re-examination of the petitioner which was scheduled on 16.11.2009 or to allow the petitioner to reappear in the Communication course and allow a repeat of the D&M test which the petitioner was to undergo while being discharged.

Petitioner was successful in initial training at various Naval ships and training academy and was granted commission as an officer in the Indian Navy in the rank of Sub Lieutenant (SLt) on 01.07.2008 in the Executive Branch of the Indian Navy. A commissioned officer is required to undergo training in various major and minor subjects. The subjects are enumerated as under :

S.No.	Name of Course	Location of Course	Duration	Result
1.	Electrical	INS Valsura	Jun 08 to Aug 08 (07 Weeks)	Fail
2.	Marine Engineering + NBCD	INS Shivaji + NBCD School	Aug 08 to Sep 08 (05 Weeks)	Pass
3.	D&M Submarine +	INS Hamla	Sep 08 to Oct 08 (04 + 01 Weeks)	Fail in D&M and Pass in Submarine
4.	ASW School + Diving School	INS Venduruthy	Nov 08 to Dec 08 (06 Weeks)	Pass
5.	CLABS Seamanship School +	INS Venduruthy	May 09 (02 + 01 Weeks)	Pass
6.	War Course MWC (K)	INS Venduruthy	May 09 to Jun 09 (02 Weeks)	Pass
7.	ND & Ops ND School	INS Venduruthy	Jun 09 to Aug 09 (09 Weeks)	Pass
8.	Gunnery (Gunnery School)	INS Dronacharya	Aug 09 to Oct 09 (06 Weeks)	Pass
9.	Communication (Signal School)	INS Venduruthy	Oct 09 to Dec 09 (06 Weeks)	Fail (Not allowed to appear in the re-exam)
10.	Aviation (SFNA)	INS Venduruthy	Dec 09 (03 Days)	Pass
11.	O-School	INS Venduruthy	Dec 09 (01 Week)	Pass
12.	Repeated Electrical	INS Valsura	Dec 09 to Feb 10 (07 Weeks)	Pass
13.	Repeated D&M	INS Hamla	Feb 10 till discharged	Not allowed to complete and discharged from service

During the training, petitioner failed in the Electrical examination which he subsequently qualified in the repeat examination. He also failed in D&M though he passed in Submarine. Similarly, he could not qualify in the Communication course in the Signal School because he was on sanctioned leave and he was not allowed to appear in the repeat test in D&M examination.

Respondents have placed before us the original record in which it has been pointed out that the petitioner's discipline during the training period has not been satisfactory. He was warned by the Commanding Officer, ND School for being absent in the Morning both watches, one class and dog watch at ND School on 24.06.2009. He was given show cause notice to explain his absence from Morning both watches and the second session on 11.08.2009. Petitioner was again absent from morning both watches on 21.08.2009. During his training at INS Dronacharya, petitioner was absent from Dogwatch class on 04.09.2009 and from CNS Division on 17.09.2009. He proceeded ashore on 21.09.2009 without permission, despite restrictions being imposed as a result of earlier instances of indiscipline and remained absent from morning drill class on 24.09.2009. At the Signal School on 05.10.2009 his mobile phone was found containing classified information. He also failed to appear in a re-exam on 16.11.2009. The petitioner was also logged once by the Commanding Officer, INS Venduruthy on disciplinary grounds in Nov 08 for reporting late on permanent transfer by two days. He was also warned by the Commanding Officer, INS Venduruthy personally while awarding second Letter of Severe Displeasure by FOCINC South to show improvement in his conduct. However, it seems that had no effect on the petitioner.

The Naval authorities had spoken to the petitioner's father times and had apprised him about his poor performance and likely consequences of his misconduct. He has already twice been given a Letter of Severe Displeasure by the Flag Officer Commanding-in-Chief (South) for loss of identify cards, one at Valsura in Aug 08 and second time at CLABS in Jun 09. He has also failed in Seamanship School and one paper in ND School which he passed only on re-examination.

Keeping in view the conduct of the petitioner during his training, we do not think advisable to interfere in such matter and encourage indiscipline. Consequently, we do not find any ground to interfere in the matter. The petition is accordingly dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
January 05, 2012
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