

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

1.

O.A. No. 348 of 2012
With M.A. No. 544 of 2012

Ex Maj V Saxena & Ors.

.....Petitioners

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. S.S.Pandey, Advocate.
For respondents: Mr. Anil Gautam, Advocate.

CORAM:

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

ORDER
07.11.2012

1. Petitioner by this petition has prayed that the Respondents may be directed to grant him status of an ex-service man. Learned counsel for the Petitioner has invited our attention to the latest circular bearing on a subject which defines an ex-service man by a policy letter dated 27th March 2012 issued by Ministry of Personnel, Public Grievances and Pensions and clause 2 (v) of which reads as under:

“Ex-servicemen” means a person, who has served in any rank(whether as a combatant or an non-combatant), in the Armed Forces of the Union, including the Armed Forces of the former Indian States, but excluding the Assam Rifles, Defence Security Corps, General Reserve Engineering Force, Lok Sahayak Sena and Territorial Army, for a continuous period of not less than six months after attestation, and (i) has been released, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve pending such release, or (iii) has been released at

his own request after completing five years service in the Armed Forces of the Union.”

2. Learned counsel for the Petitioner submits that though he has not made a representation in light of the aforesaid circular, however, let this petition may be treated as a representation and the Government may decide the status of the Petitioner in light of the aforesaid circular. Submission of learned counsel for the Petitioner appears to be justified. Let this petition may be treated as a representation before the Government and the Government may decide the same in light of the aforesaid circular and dispose of the same as far as possible within three months.
3. The petition is accordingly disposed of with no order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
November 7, 2012

dn/pd