

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI
12.

O.A. No. 557 of 2011

Havildar Jai Prakash Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Ms. Archana Ramesh, Advocate.

For respondents: Ms. Shilpa Singh, Advocate.

CORAM:

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

HON'BLE LT. GEN. M.L. NAIDU, MEMBER.

ORDER

07.08.2012

Petitioner vide this petition has prayed to reinstate him with immediate effect to his last unit at Army HQ Camp where the records would be still available and promote him to the rank of Naib Subedar with ante date seniority, service and all back wages to meet the ends of equity, fair play and justice.

2. Petitioner was enrolled in the Army on 20.03.1987. On 18.09.2005, a murder took place at Bhiwani and he was arrested and charged under Sections 147, 148, 323, 324, 452, 302 and 506 read with Section 34 IPC. However, the petitioner faced a trial and he was convicted by the trial court under Section 302 IPC and sentenced to life imprisonment by the order dated 29.09.2006 and consequent to that he was dismissed from service on 14.10.2006. Thereafter, the petitioner was bailed out on 29.11.2006 and he moved the Hon'ble High Court of Delhi for attachment under Para 420 of Regulations for the Army (Revised Edition). But the same was dismissed by the Hon'ble Delhi High Court.

3. Thereafter, on 09.11.2011 he was acquitted by the Hon'ble Punjab and Haryana High Court and the petitioner filed a petition before this Court on 13.12.2011 without filing any representation or making any grievance alongwith order of acquittal of the High Court.
4. Be that as it may, thereafter this Court permitted the petitioner to file a proper representation. The petitioner filed the representation on 04.01.2012 for reinstatement on account of acquittal seeking all consequential benefits. The said representation has not been disposed off by the respondents till this date. A reply has been filed by the Respondents and Respondents have taken a stand that matter is under process.
5. We understand that there is a specific provision provided in the DSR that complaints should be disposed off as for as possible within a period of 180 days (Para 364 and 365). The petitioner has been acquitted on 09.11.2011 and this was intimated to respondents by filing a representation on 04.01.2012. More than 7 months have lapsed but no action seems to have been taken. The Statute has provided a time frame for disposal of the matter but it has not been adhered to by the respondents. So much so that Section 21 of the Armed Forces Tribunal Act contemplates that authorities are supposed to dispose off the matters within six months as it is necessary for the applicant before approaching this Tribunal that they must avail their remedy. This Court permitted the petitioner by order dated 04.01.2012 that petitioner should file a representation. In pursuance to the directions given by this Court, the petitioner has filed a representation on 04.01.2012 but till this date it has not seen the light of the day that what is the outcome of the said representation. In case the respondents do not adhered to the time limit fixed

by the Statutes and Regulations, then the whole exercise of filing the representation will frustrate.

6. Time and again, it has come to our notice that representations and statutory complaints filed by the incumbents are not disposed off by the respondents within the time frame provided by the Statute.

7. Be that as it may, respondents should look into the matter and see that time frame should be adhered to otherwise respondents will be saddled with heavy cost for not disposing off the matter within the time frame as already mentioned in the Statutes.

8. In the present case, the respondents have not disposed off the representation filed by the petitioner on 04.01.2012. More than six months have lapsed and still the learned counsel for respondents has brought to our notice that matter has been forwarded the AHQ. It is strange that for travelling a complaint to the AHQ takes six months. This kind of procedural delay is totally unwarranted.

9. In the facts and circumstances of the case, we direct that matter should be disposed off within three months from today otherwise respondents should be saddled with heavy cost. Petition is disposed off accordingly with the aforesaid direction. No orders as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
August 07, 2012
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