

COURT NO. 2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video-Conferencing)

49.

OA 2379/2019 with MA 2579/2021 & MA 2594/2021

In the matter of :

Hav Benche Lal

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri Ajit Kakkar, Advocate

For Respondents : Shri Shyam Narayan, Advocate

CORAM :

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER(J)

HON'BLE VICE ADMIRAL P. MURUGESAN, MEMBER (A)

O R D E R

16.11.2021

MA 2579/2021

Vide this application the respondents seeks to place on record the documents pertaining to cancellation of discharge order. Counsel for the applicant has no objection to the same. As such, the documents are taken on record. MA stands disposed off.

OA 2379/2019

Present OA was filed by the applicant seeking following reliefs:-

- (a) To direct the Respondents to present the records of both COI conducted by different agencies.
- (b) To direct the Respondents to present the records/authorities to conduct the COI by CO in pendency of COI by higher authority.

(c) To grant promotion to the Applicant to the rank of Nb Sub w.e.f 01.01.2019.

(d) To set-aside the Impugned Charge Sheet dated 13.07.2018 and set aside the Punishment awarded vide order dated 16.07.2018.

(e) To set-aside the false and frivolous red entry imposed on the Applicant by Charge sheet dated 13.07.2018.

(f) To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.

During the pendency of the OA, the respondents have cancelled the discharge order and have placed on record the relevant documents in this regard dated 21st December 2020. The applicant has also placed on record the letter dated 19th April 2021 vide which the respondents have set aside the punishment of 'Severe Reprimand and 10 days Pay Fine'. That being so, it is submitted that all prayers except (c) have become infructuous.

The only relief which remain is granting promotion to the applicant to the rank of Nb Sub w.e.f. 01.01.2019. The applicant has also moved MA 2594/2021 seeking directions to the respondents to consider grant of promotion w.e.f. 01.01.2019.

This is a matter which is to be considered by the respondents. Accordingly, OA is disposed off with the direction that respondents to consider the grant of promotion to the applicant w.e.f. 01.01.2019 as per rules.

With these directions OA stands disposed off. All pending MAs also stand disposed off.

[REDACTED]
[JUSTICE SUNITA GUPTA]
MEMBER (J)

[REDACTED]
[VICE ADMIRAL P. MURUGESAN]
MEMBER (A)

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