

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

78.

OA 3508/2023 with MA 830/2024

Ex Sub Rathinder Nath Roy Applicant

Versus

Union of India & Ors. Respondents

For Applicant : Mr. Narender Kaushik & Pankaj
Kaushik, Advocate

For Respondents : Mr. Vijendra Singh Mahndiyani, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
26.03.2024

MA 830/2024

Documents filed vide this application are taken on record.

MA stands disposed off.

OA 3508/2023

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act 2007, the applicant wants that the appeal filed by him under Section 164(2) of the Army Act be disposed off in the prescribed time.

The applicant was subjected to court martial proceedings under the Army Act and Army Rules and against the condition by the court martial, he has invoked the jurisdiction of the competent authority by ventilating his grievance under Section

164(2) of the Army Act. It was the case of the applicant that he had filed the appeal under Section 164(2) against the finding Annexure A-12. The applicant has been found guilty of striking of the left side of the head of PW 7, a Senior Officer of the rank of Lt Col.

Be that as it may be it is a grievance of the applicant in the Original Application that the appeal filed by him against the finding on 01.04.2023 has not been decided. When the matter was taken up on 08.12.2023, we find that on 09.11.2023 the applicant was directed to re-submit the post confirmation petition as it was not signed by him and from the documents filed in MA 830/2024, we find that the applicant re-submitted the same on 04.12.2023 and it was forwarded to the competent authority and it is still with the competent authority. Even though we have granted six weeks' time to the competent authority to decide the same on 08.12.2023, it is pointed out orally by Dr. Mahndiyani, learned counsel for the respondents, that the confirmation petition is at the final stage and would be decided early. Shri Narender Kaushik objects to the same and vehemently argues that appropriate orders be passed taking coercive action against the respondents for not deciding the petition.

Taking note of the totality of the circumstances, as a matter of last indulgence, we grant three more weeks' time to the respondents to decide the confirmation petition failing which we

shall proceed in the matter in accordance with law without granting any further time.

List the matter on 22.04.2024 for further orders.

'DASTI'

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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