

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

71.

OA 1178/2023

Nk Degure Bandu Vyankat
Versus
Union of India & Ors.

..... Applicant

..... Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Niranjana Das, Advocate

CORAM

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

ORDER
22.04.2024

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the relief claimed in Para 8 reads as under:

(a) To pass the directions to consider and grant discharge from service to the applicant.

2. Grievance of the applicant is that his claim for grant of discharge from service is not being considered in accordance with the Rules and a final decision has not been taken. Respondents orally make a submission that the application and other documents have not been received and they have various other issues in the instant matter.

3. Once an applicant is seeking discharge from service on various grounds, as per the Rules and the Policies applicable, the respondents are duty bound to consider it, evaluate it in accordance with the Rules and the Policies and take a final decision. They cannot sleep over the matter and put the applicant in a precarious position where he is unaware of the fate of this application.

4. Considering the totality of the facts and circumstances of this case, we direct the respondents to treat this application as a whole along with the documents to be an application for discharge. Respondents are also directed to take a decision on the same in accordance with the Rules and the Policies and communicate the same to the applicant by a speaking order within a period of four weeks.

5. With the aforesaid, the OA is disposed of.

6. A copy of this order be provided. *'DASTI'* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)