

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

SUPPLEMENTARY LIST

1.

OA 1238/2024

Flt Lt Gajendra Singh Ranawat	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. A.K. Aggarwal, Advocate
For Respondents	:	Mr. Prabodh Kumar, Sr. CGSC

CORAM

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

ORDER
18.04.2024

OA 1238/2024

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

- “(a) Allow the instant original application.*
- “(b) Issue notice to the private Respondent No. 3.*
- “(c) Consider adding of any more person/(s) as party respondent/(s) herein, and make directions as such, if deemed appropriate.*
- “(d) Direct the Respondent no. 1 & 2 authorities to proceed as per law against the Respondent no. 3 and any others; found prima facie involved in commission of any offences against the applicant, under the AFA and IPC, for grant of applicant's entitlement u/s Section 27 of the Air Force Act, 1950, Chapter V (Service Privileges).*
- “(e) Award costs of the litigation to the applicant.*

(f) Pass any other or such further orders as deemed just and proper in the facts and circumstances of the case."

2. The applicant was commissioned in the Indian Air Force as a Fighter Pilot in January 2018. On 10.03.2022, the applicant had submitted an application for resignation from service. On 26.07.2022, his application for resignation was rejected and the same is under challenge before this Tribunal in OA No.2736/2022.

3. It is the case of the applicant that on account of pendency of the OA, the respondents, particularly respondent No.3-AOC, was personally biased against the applicant and started harassing him. The applicant has stated various factors with regard to so called harassment and the same are vague and not in good taste. Be it as may be, the fact remains that on account of acts of commission and omission undertaken by the applicant a charge-sheet has been issued to him and thereafter a show cause notice was issued vide Annexure A-3 on 02.03.2023. In the charge-sheet issued to the applicant vide Annexure A-4 on 12.07.2023, five charges as detailed hereunder were alleged against the applicant and into the charge-sheet.

CHARGE-SHEET

The accused, Flight Lieutenant Gajendra Singh Ranawat (35923) of 503 Signal Unit

Air Force, an officer of the regular Air Force,
is charged with: -

First Charge
Section 41(1)
AF Act, 1950

DISOBEYING, IN SUCH MANNER AS TO
SHOW WILFUL DEFIANCE OF AUTHORITY,
A LAWFUL COMMAND GIVEN PERSONALLY
BY SUPERIOR OFFICER IN EXECUTION OF
HIS OFFICE

in that he,

at Air Force Station Arjangarh On 02 January
2023, When Personally Ordered By Sqn Ldr
Vivek Gurung (32146) To Proceed On
Temporary Duty To 501 Su On 04 January
2023 Vide Letter No. 503SU/S
3540/37/OPS(AD) BM-II dated 02 Jan 23,
did not do so.

Second Charge
Section 41(1)
AF Act, 1950

DISOBEYING, IN SUCH MANNER AS TO
SHOW WILFUL DEFIANCE OF AUTHORITY,
A LAWFUL COMMAND GIVEN PERSONALLY
BY SUPERIOR OFFICER IN EXECUTION OF
HIS OFFICE

in that he,

at Air Force Station Arjangarh on 17 February
2023, when personally ordered by Gp Capt
GJ Singh (27521) Adm/FC to proceed on
Temporary Duty to 501 SU vide Letter No.
503SU/S 3540/37/OPS(AD) BM-II dated 17
Feb 23, did not do so.

Third Charge
Section 41(1)
AF Act, 1950

DISOBEYING, IN SUCH MANNER AS TO
SHOW WILFUL DEFIANCE OF AUTHORITY,
A LAWFUL COMMAND GIVEN PERSONALLY
BY SUPERIOR OFFICER IN EXECUTION OF
HIS OFFICER

in that he,

at Air Force Station Arjangarh on 30 May
2023, when personally ordered by Wg Cdr
Ankur Sharma (29050) Adm FC of 503 SU to
proceed on attachment to 601 SU wef 05 Jun
23 for FC duties vide 503SU/S
3512/36/OPS(AD) dated 30 May 23, did not
do so.

Fourth Charge
Section 65
AF Act, 1950

AN ACT PREJUDICIAL TO GOOD ORDER
AND AIR FORCE DISCIPLINE

in that he,

at Air Force Station Arjangarh having
reported on 17 Oct 22, failed to complete

training syllabus by 10 Nov 22, contrary to Appendix 'C' of Training Scheme of 503 SU Tac Node.

Fifth Charge
Section 42(c)
AF Act, 1950

NEGLECTING TO OBEY A GENERAL ORDER

in that he,

at Air Force Station Arjangarh during the period from 13 Sep 22 to 13 Jan 23, failed to revalidate professional category 'CEE', contrary to Para 19 of AFO 23/2016.

4. Detailed disciplinary proceedings are being undertaken and the case is at the stage of Summary of Evidence (SOE) and thereafter if a prima facie case is made out, the applicant may be subjected to disciplinary action by way of a Court Martial or Administrative Action. The grievance of the applicant before us in this application is that the complaint made by the applicant against the action of respondent No.3 has been rejected by the impugned order passed on 12.02.2024 and, therefore, pleading mala fides and bias by respondent No.3, the applicant wants action to be taken and quashing of the impugned order dated 12.02.2024 whereby his grievances and complaints against respondent No.3 have been rejected. A perusal of the order passed on 12.02.2024 indicates that it has been rejected for the reasons that are detailed in Paras 2, 3, 4 and 5 of the order which read as under:

"2. In reply to the captioned e-mail expressing your grievances against Air Cmde Manu Midha (22940) F(P) for initiating disciplinary action against you and other associated

issues. Air HQ has duly examined the said e-mail along with all annexures and representations dated 27 Aug 23, 09 Sep 23, 20 Sep 23 and 21 Sep 23 submitted by you.

3. Air HQ has observed that the disciplinary action was initiated against you after commitment of serious offences under the provisions of the AF Act, 1950. The charge sheet dated 10 Jul 23 discloses commission of offences under the AF Act and charges have been framed in consonance with the relevant provisions of the AF Rules. Air Cmde Manu Midha, being the AOC 503 SU, was the competent authority to raise the charge sheet in terms of Rule 37 of the AF Rules. The material on record does not reveal any mala-fide on the part of Air Cmde Manu Midha in raising the charge sheet. No infirmity has been observed in the charge sheet raised. The contentions that the trial is barred on first, second, fourth and fifth charges for the reason(s) stated at para 1 of the representation dated 20 Sep 23 is wholly misconceived. Your e-mail dated 15 Dec 23 also shows that you were duly advised to participate in the Summary of Evidence, which appears to have been lawfully ordered after following the prescribed procedures.

4. Air HQ is of the view that Air Cmde Manu Midha has taken actions in terms of the provisions of AF Law. No action is warranted against him on the basis of facts and circumstances disclosed in the subject matter.


5. In view of the above, the material on record does not disclose any infirmity / irregularity in the action(s) taken by AF authorities, Air HQ does not propose to take any further action on representations dated 27 Aug 23, 09 Sep 23, 20 Sep 23 and 21 Sep 23. The said representations stand disposed of, accordingly. The has the approval of AOA."

5. Having bestowed our anxious consideration on the same, we are of the considered view that at this stage where only a disciplinary action against the applicant has been initiated and an inquiry into the charge-sheet is pending, interference into the matter with regard to the complaints made against the officer concerned is not tenable and in the matter of rejection of the complaint by the impugned order, at this stage, we find no reason to make an indulgence into the matter. The applicant should participate in the

disciplinary proceedings and in the inquiry being conducted; raise all grievances as are permissible under law and it would be for the inquiring authority to look into the grievances of the applicant and investigate and inquire into the matter and take a decision.

6. Finding no case made out for indulgence into the matter at this preliminarily stage, we dismiss the matter.
7. Accordingly, the OA stands dismissed.
8. No order as to costs.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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