

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

5.

OA 1300/2024

Sgt Deepak Bhardwaj

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. Nawneet Krishna Mishra, Advocate

For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

23.04.2024

OA 1300/2024

Seeking indulgence of this Tribunal under the jurisdiction of Section 14 of the Armed Forces Tribunal Act, 2007, the applicant sought a direction to the respondents in the following manner:

“(a) To direct the respondent to complete action on para-9 of their letter i.e, Air HQ letter dated 17 Oct 2023. (A-1 to this OA) also take appropriate action as per para-5 of Habitual Offender policy dated 18.12.1996. (A-8 to this OA).

(b) To pass the directions to grant discharge from service to the Applicant.

(c) To pass such further order or orders/Directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.”

2. Para 8(b) of the relief is for grant of discharge from service to the applicant. The impugned order filed by the applicant vide Annexure A-1 (Colly) is a show cause notice dated 17.10.2023, his reply to the show cause notice

dated 25.10.2023 and processing of the same by respondents on 22.07.2022 onwards. Thereafter, from the pleadings available on records, it is seen that an impression is being created to say that the discharge is pending and on account of the pendency of the show cause notice no action has been taken. However, today when the matter was taken up for hearing, respondents have produced before us a communication dated 30.11.2023 which was served on the applicant on 01.12.2023, his acknowledgment and signature are there, and this shows that his prayer for discharge has been rejected on the grounds indicated in this order. The applicant nowhere in the application speaks about this order being served upon him nor does he challenge this order.

3. Faced with the aforesaid situation and when the Court was very much annoyed with the applicant on suppression of material facts, learned counsel for the applicant prays for withdrawal of the OA. We permit him to do so.

4. Accordingly, the OA is dismissed as withdrawn.

[REDACTED]
[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REDACTED]
[LT GEN C.P. MOHANTY]
MEMBER (A)