

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

21.

OA 1453/2024

Ex Sgt Manoj Kumar	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Arvind Kumar, Advocate
For Respondents	:	Mr. Arun Dhiman, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
01.05.2024

Considering the fact that the applicant has not exhausted the departmental remedy available to him and is directly challenging the promotion policy, the statutory requirement of Section 21 of the Armed Forces Tribunal Act, 2007 having not been complied with, we are not inclined to admit the matter until and unless the departmental remedy available is exhausted.

2. Even though the learned counsel for the applicant invited our attention to the legal notice cum representation sent by the counsel, we are of the considered view that the notice by the counsel cannot be termed as a statutory appeal for redressal of the grievance of the applicant which is primarily contemplated under Section 161(2) of the Air Force

Act, 1950. The applicant should have first exhausted that remedy and thereafter would have come before this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007.

3. Keeping in view the aforesaid, for the present we are not inclined to interfere into the matter and dispose of the matter in the following manner.

“ On the applicant’s filing a copy of this order along with the copy of the OA before the competent authority within a period of one month, the respondents shall consider the same as an appeal filed under the statutory rules and shall dispose of the same within a period of six months from the date of its submission. In case no decision is taken within the aforesaid period, liberty shall be available to the applicant to challenge the same in accordance with law.”

4. OA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Priya
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