

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

20.

OA 2100/2024 WITH MA 2542/2024

WO Karan Singh (Retd) Applicant
Versus Respondents
Union of India and Ors.

For Applicant : Mr. Durgesh Kr. Sharma, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

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

O R D E R
09.07.2024

OA 2100/2024 WITH MA 2542/2024

Heard on the question of admission.

2. Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this OA and the prayer made reads as under:

- (a) *Quash and set aside the impugned letters dated 15 Jan 24 (Annexure A-1)*
- (b) *Direct the respondents No. 1 to 3 to punish the respondents No.4 to 7 under various relevant section of AF Act 1950 for committing offence to the applicant in the interest of justice.*
- (c) *Direct the respondents to pay Rs.25,00,000/- towards mental harassment and agony cause to applicant by respondent No. 4 to 7 and also direct the respondents No 1 to 3 to pay Rs.50,000/- for litigation cost.*

The applicant has also impugned the reply to the legal notice issued to him on 15th January, 2024 vide Annexure A-1.

3. The applicant was enrolled in the Indian Air Force and allotted the trade of Clerk Pay Accounting (Clk PA) on 25th November, 1985. He worked from 1985 onwards right up to the year 2022, i.e., for a period of 36 years 09 months and 22 days. According to the applicant he was granted appreciation by Commandant, Command Hospital, Air Force, Bangalore and various other authorities. In 2019 to 2022, it is his contention that in spite of his being in low medical category, he was put to duties in adverse conditions where he had to undergo stress and strain at the Air Force Station, Jaisalmer and he alleges mala fides against the respondents', private officers who detained him for duty. It is the case of the applicant that he was frustrated because of this harassment and ultimately sought discharge from service and he was granted discharge from service by the Competent Authority on 15th September, 2022. After being discharged in 2022, he kept quiet over the matter and it is only in October, 2023, i.e., on 10th October, 2023 that he sent a legal notice through his counsel Mr. Durgesh Kumar Sharma, which was replied to and the averments of harassment and other mala fides were rebutted by the respondents and it was stated that applicant himself sought discharge from service and, therefore, nothing can be done in the matter.

4. The question now before us is that as the applicant himself sought discharge from service, which was granted, can he seek action against respondents 4 to 7 for the alleged offence said to

have been committed by them and claim compensation of Rs.25 lacs to be paid by each of the respondents.

5. In our considered view, the application is wholly misconceived and untenable in law. According to the applicant his harassment from 2019 to 2022 was for various purposes and except for the letter of discharge dated 30th June, 2021 submitted by him vide *Annexure A-6*, there is no complaint or redressal of grievances sought from any higher authority with regard to the allegations made. Taking note of the totality of the circumstances and the manner in which the applicant has made vague allegations, unspecified in nature and without any detail, we see no reasons to interfere into the matter. Except for making vague allegations with regard to the work extracted from the applicant by the private respondents No.4 to 7 and making wild allegations about gross misuse of powers by these officers, there is nothing on record to indicate as a matter of proof or evidence that the officers had acted in a manner as canvassed by the applicant. The applicant did not make any complaint while in service to any of the higher officers or authority with regard to activities of respondents No.4 to 7. No complaint either to the higher authorities or the Government of India in the Ministry of Defence had been made by the applicant in accordance to the Air Force Act and Rules.

5. Taking note of the totality of the facts and circumstances of the case and the manner in which the applicant has dealt with the matter, we see no reason to interfere into the matter.

6. In view of the above both the OA and MA are dismissed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C P MOHANTY]
MEMBER (A)

/vks/