

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

106.

OA 2584/2023

JWO Rama Kumar SB (Now Ex LAC) (Convict) Applicant
thru his wife Smt D Nagalaxmi

Versus

Union of India & Ors. Respondents

For Applicant : Mr. Durgesh Kumar Sharma, Advocate

For Respondents : Mr. Harish V Shankar, Advocate

CORAM

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

ORDER
01.05.2024

Challenging the findings and sentence recorded by the competent authority vide Annexure A-1 on 10th August, 2023 holding the applicant guilty of four charges punishable under Section 62(a) and 42(e) of the Air Force Act, 1950 and various other provisions as detailed in Para 1 of the aforesaid impugned order, applicant has filed an appeal under Section 15 of the Armed Forces Tribunal Act, 2007.

2. Today when the matter is taken up, learned counsel for the applicant submits that challenging the impugned punishment and sentence, applicant wants to file an appeal before the Competent Authority under Section 161(2) of the Air Force Act, 1950 and for the said purpose prays for permission to withdraw the appeal to take recourse of the remedy available to him under the Air Force

Act, 1950 and thereafter, if any grievance still subsists may invoke the jurisdiction of this Tribunal.

3. Keeping in view the aforesaid, this appeal is disposed of in the following terms:-

“On the applicant’s filing the appeal before the Competent Authority under Section 161 of the Air Force Act, 1950 within a period of one month from today the Appellate Authority shall take decision on the same within 45 days and thereafter the competent authority shall proceed to take appropriate action based on the decision taken by the Appellate Authorities. In case any grievance still subsists, the applicant may invoke the jurisdiction before the appropriate forum in accordance with law.”

4. We find that the applicant is on bail, that being so he shall continue to remain on bail till after 15 days of decision of the Appellate/Competent Authority in case any adverse order is passed in the appeal, on the same terms and conditions as contained in the order dated 5th September, 2023 granting him bail.

5. Let a copy of this order be provided *DASTI* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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