

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

20.

OA 827/2024

LAC Harshit Tomar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Anuj Kumar Pandey, Advocate
For Respondents : JWO Ramesh, Deptt Representative

CORAM

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

ORDER
13.03.2024

Heard on the question of admission.

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 in Para 8 reads as under:-

- (a) To pass an order to Set-Aside the Order dated 10/12/2023 passed by AOC Air Commodore Pankaj Mittal wherein Court of Inquiry was instituted under Wing Commander Richard Thomas to examine false and fabricated allegation against the applicant and the same was not supplied to the applicant.

(b) To pass such other order/direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. Finding the applicant to be an instrumental in fabricating and creating a false movement order, a Court of Inquiry has been ordered and on the ground that the allegations against the applicant are baseless and without any substance, prayer for quashing the Court of Inquiry under the Air Force Act and the rules framed thereunder is made.
3. A Court of Inquiry is nothing but an inquiry/investigation against the applicant into the act of commission or omission alleged by the Competent Authority, it is a fact finding inquiry and based on the investigation and Inquiry Report, further action, if any, is required to be taken, i.e., Administrative Disparity or Court Martial etc.
4. Considering the fact that only an inquiry through Court of Inquiry has been ordered, at this stage by entering into the merits of the case, we see no reason to interfere into the matter.
5. It is for the applicant to canvass his contention as is made in this OA before the Court of Inquiry. This Tribunal, at this

stage, cannot step into the shoes of the Inquiry Officer (COI) and exonerate the applicant. Accordingly, no case for interference into the matter is made out, the OA is dismissed.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


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

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