

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

109.

OA 2293/2024 with MA 3501/2024

Maj Pinki Kumari Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Rajiv Manglik, Advocate
For Respondents : Mr. Karan Singh Bhati, Sr. CGSC

WITH

110.

OA 3784/2023 with MA 3267/2024 with MA 3268/2024

Maj Gurjeet Singh Kaler Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Indra Sen Singh & Nasir
Mohammad, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC, Advocate

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

ORDER
07.11.2025

Invoking the jurisdiction of this Tribunal under Section 14, of AFT Act, 2007, the applicants have filed these applications and the relief claimed in para 8 in OA No.2293/2024 (Maj. Pinki Kumari) read as under:-

“(i) To declare the action of the respondents as unjust, arbitrary and illegal; and

(ii) to direct the respondents to not to take any action against the applicant; and

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Interim relief

That the applicant humbly prays that the balance of convenience lies in favour of the applicant and pending the disposal of this application the Hon'ble Tribunal may be pleased to stay the operation of order dated 12 Jun 2024 and further proceedings thereupon."

2. In OA No.3784/2023, the applicant is seeking the following relief:-

"a) Call for the complete records of the case leading to the issuance of the impugned Show Cause Notice (SCN) dated 05 Jun 2023 and set aside the same, being without jurisdiction & illegal;

b) Call for the complete record of the original Court of Inquiry proceedings convened vide HQ 11 Corps convening order dated 27.04.2022, and after perusal thereof, set-aside said convening order as well as the proceedings of the C of I, the same being illegal and without jurisdiction;

c) Direct the respondents to drop the proposed administrative action against the Applicant and allow him to resume his normal military duty;

d) Direct the Respondents to relieve the Applicant from all consequences of the instant case."

3. As show cause notices were issued to the applicants for taking administrative action, the applicants sought the aforesaid relief.

4. During the pendency of the matters, after hearing various submissions and passing various orders right from 19.07.2024 and 06.12.2023, we had directed the respondents on various dates to permit inspection of documents to the applicants. Finally, in pursuance to the order passed on 09.10.2025, we were

informed that the inspection of documents was done in presence of Joint Registrar (Judicial) and in the campus of this Tribunal and now based on the inspection submitted, the applicants propose to file a reply to the show cause notice and after reply to the show cause notice are filed, the competent authority has to take a final decision in the matter.

5. That being so, we are of the considered view that these Applications can be disposed of granting liberty to the applicants to submit reply to the show cause notices with further liberty to the competent authority to take a decision on the replies, in accordance with law, within a reasonable period of time. However, Mr. Manglik, learned counsel for the applicants made a prayer that in case any adverse order is passed on the reply to the show cause notice by the competent authority, the applicants be granted sometime to approach this Tribunal and seek interim relief and the respondents be restrained from implementing the order adverse if any.

6. Having heard learned counsel for the parties, we dispose of these Applications with the following directions:-

- (i) On the applicants filing an appropriate reply/additional reply/documents to the show cause notice within 30 days from today, the competent authority shall

take a decision on the same within a reasonable period of time and thereafter pass an appropriate order.

(ii) In case any adverse order is passed, the same shall not be given effect to for a period of two weeks to enable the applicants to seek interim relief, if any.

7. With the aforesaid, the MAs for vacation of stay, in the aforesaid matters, stand disposed of.

8. In view of the above, the OAs also stand disposed of. The interim order of stay granted by this Tribunal stands modified to the extent indicated hereinabove. No order as to costs.

9. Order DASTI.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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