

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

47.

MA 4722/2024 with MA 12/2025 & MA Dy No. 1339/2025 in
OA 1289/2022

MPS Godara	Applicant
VERSUS		
Union of India	Respondents

For Applicant	:	Applicant In Person
For Respondents	:	Mr. Karan Singh Bhati Sr CGSC With Mr. Yogeshwar K. Purohit, Advocate Wg Cdr T.N. Swamy, OIC Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
03.03.2025

MA 4722/2024

Vide this application filed vide diary No. 10433/2024 dated 17.10.2024, the prayers made by the applicant are to the effect:-

APPLICATION FOR GRANT OF CERTIFIED COPIES

- "1. Name and address of the applicant:- MPS Godara, Delhi*
- 2. Whether the applicant is party to the case, if not whether an application under rule 109 is filed:- Yes*
- 3. Whether the case is pending or disposed of: Disposed*
- 4. Description with date of the documents of which copy is applied for: ~ Court of Inquiry pursuant to Applicant's Legal Notice 07.03.2014*
- 5. No. of Copies required and nature of application (whether urgent or ordinary):- Ordinary*

6. *Details of the fee remitted along with the application:-*

Rs. 30/- paid.

Dated this the 17th day of October 2024."

Sd/-

Signature of the Applicant

Legal Practitioner for the Applicant

2. On behalf of the respondents has been submitted a copy of a document No. Air HQ/C 23381/1903/Discip dated December, 2014 which on page 5, thereof, reads to the effect:-

"8. A copy of the proceedings of the abovesaid C of I is annexed

9. This is issued on the order of the CAS."

Sd/-

*(JS Bhalla)
Gp Capt
Jt Jag(Air)
For CAS*

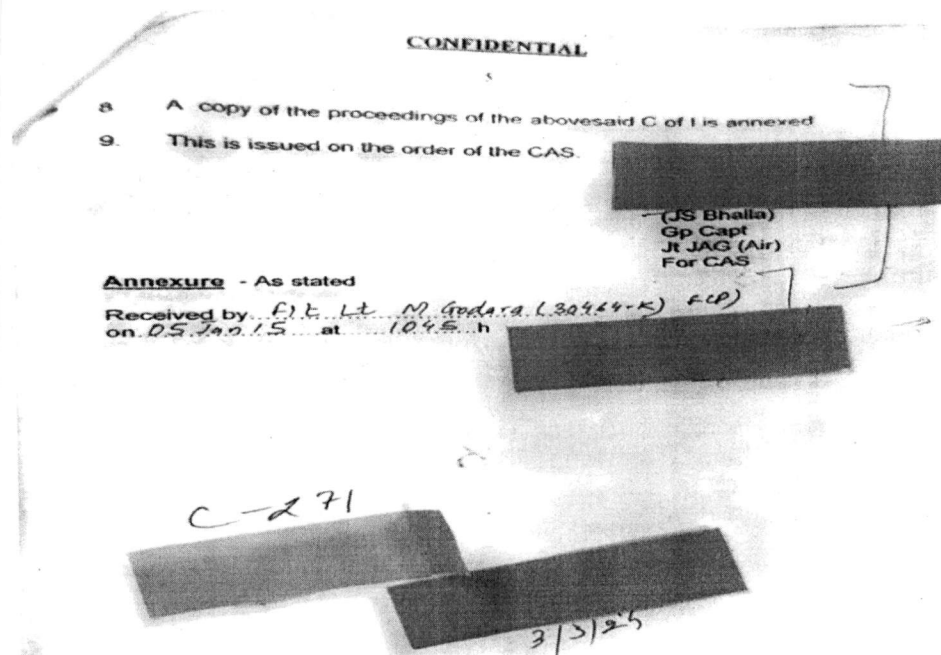
and as per this,

"Received by Flt Lt M Godara (30464-K) FLP) on 05 Jan 15 at 10:45 h"

"Sd/-"

it is indicated that the same has been received by the applicant on 05.01.2015 at 10:45 hours with signatures thereon.

3. The scanned copy of the said proceedings read as under:-



4. The applicant submits that the respondents by submission of this document seek to mislead the Bench and rather the applicant had not been supplied the CoI proceedings vide this letter on 05.01.2015, with a submission further made by the applicant that he had rather been threatened that in the event of his user of the CoI proceedings in any proceedings he would be acted upon in terms of the Official Secrets Act, 1923.

5. Presently, in as much as MA 4722/2024 relates to the prayer made by the applicant seeking the grant of the certified copies, which CoI proceedings have been submitted

by the respondents in terms of directions dated 17.09.2024 on 17.09.2024, without there being anything on the record in the CoI proceedings itself or any submission made on behalf of the respondents that in terms of Rule 156 (7) of the Air Force Rules, 1969, there is any order of the Chief of Air Staff seeing any reason to order otherwise, i.e. other than the supply of the CoI proceedings to the applicant, the prayer made by the applicant for the grant of certified copies of the CoI proceedings submitted in four volumes on 17.09.2024 by the respondents is allowed and the same be supplied by the Registry on payment of the requisite Court fee as per rules. The Joint Registrar shall ensure that there is an authorized representative of the Joint Registrar present as well as the of the respondents present at the time of the preparation of the certified copies of the CoI proceedings submitted by the respondents in four volumes.

6. An oral submission has been made by the applicant that he be permitted to inspect the CoI proceedings submitted in four volumes (which were submitted as per proceedings dated 17.09.2024 in OA (Appeal) 948/2017 and OA 1289/2022 (OA 5/2016 RB Mumbai)), submitting to the effect that he has never seen the CoI proceedings. Qua the same, a submission is made on behalf of the respondents

adverting to Rule 156 (10) of the Air Force Rules, 1969, which reads to the effect:-

"Rule 156 (10). A person subject to the Act before he is, under sub-rule (7) or sub-rule (8), furnished with a copy of the proceedings of the Court of inquiry or is permitted to inspect any portion of the proceedings shall be required to render certificate that he is aware that he may render himself liable to prosecution under the Official Secrets Act, 1923 (19 of 1923) for any breach of the provision of the said Act, in relation to such proceedings or portion thereof."

to submit to the effect that the requisite certificate required from the applicant thereof be taken on record before any such inspection and permission is accorded to the applicant.

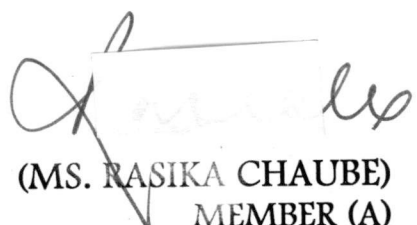
7. In as much as we have considered it appropriate in terms of Rule 156 (7) of the Air Force Rules, 1969, to supply the certified copy of the CoI proceedings to the applicant which the respondents themselves profess have already been supplied to the applicant on 05.01.2015, which date of supply is refuted by the applicant, with the applicant submitting to the effect that he had been threatened with prosecution under the Official Secrets Act, 1923 in the event of user of the CoI proceedings thereof in any proceedings, in terms of Rule 156(10) of the Air Force Rules, 1969, though permission is granted to the applicant to inspect the original CoI proceedings which inspection is permitted to be made only in the presence of the Joint Registrar of the AFT (PB)

New Delhi, and in the presence of the authorized representative of the respondents stated to be Sgt Nand Lal (920211) (Dept. of Jag) Air HQ (BB) (New Delhi) which is also directed to be so permitted by the Joint Registrar in his own presence **only** on submission of the requisite certificate by the applicant in terms of Rule 156 (10) of the Air Force Rules, 1969.

8. The cause title mentioned on this order is as mentioned on the application.

9. The application MA 4722/2024 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)


(MS. RASIKA CHAUBE)
MEMBER (A)

/nmk