

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

66.

OA 4041/2025 with MA 6045/2025 & 6046/2025

Hav Karmveer & Ors & Ors. Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Sukhbir Singh, Advocate

For Respondents : None

Maj Abhishek, OIC Legal Cell

CORAM

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

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

24.12.2025

The four applicants vide the present OA makes the following prayers:-

- (i) Quash and set aside impugned letter No 17011452F/LN/Court Case Cell dated 28.09.2024 alongwith speaking order dated 22.11.2022 issued by OIC EME Records. and/or*
- (ii) Quash and set aside the result failed in interview part and Restore seniority of the applicants at par with their batchmates along with all consequential benefits.*
- (iii) Direct respondents to make payment of due arrears after re- fixing of pay with effect from the date of re-fixation with interest @ 12% per annum.*
- (iv) Pass any other order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case mentioned above.*

2. The four applicants has filed an application MA 6045/2025 seeking to join together to submit the present OA with the submissions made on behalf of the learned counsel for the applicants that they are all aggrieved by similar cause of action.

3. Along with the same is an application MA 6046/2025 filed by the four applicants seeking condonation of 382 days delay in filing the present OA for reasons mentioned therein. The attention of the learned counsel for the applicants is drawn to the Armed Forces Tribunal (Procedure) Rules 4(5) thereof under which the application MA 6045/2025 itself has been filed. The said provision reads to the effect:-

“(5) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit more than one person, other than the person serving in the regular Army, Navy or Air Force to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter:

Provided that all affected persons are impleaded as parties and they join together to file such an application, when they are likely to be affected by the decision in the case.”,

and specify that the same can be utilized only by those who are non-serving personnel of the regular Army, Navy or Air Force. As observed by this Tribunal vide order dated 21.08.2025 in

RA 21/2025 in OA 1569/2023 vide para 8 thereof which reads to the effect:-

"8.It is essential to advert to Rule 4(5) of the Armed Forces Tribunal (Procedure) Rules 2008 framed by the Central Government in exercise of powers conferred by clauses (f), (g) and (k) of sub-section (2) of Section 41 of the Armed Forces Tribunal Act, 2007 (55 of 2007).

Rule 4 (5) of the Armed Forces Tribunal (Procedure) Rules 2008 reads to the effect:-

"4. Procedure for filing applications.-

(1) xx

(2) xx

(3) xx

(4) xx

(5) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit more than one person, other than the person serving in the regular Army, Navy or Air Force to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter:

Provided that all affected persons are impleaded as parties and they join together to file such an application, when they are likely to be affected by the decision in the case."

Though vide para 3 of the order dated 26.05.2025 in OA 1569 of 2025, it had been directed that the applicants file separate OA's in relation to redressal sought against the Army, Navy and Air Force, as also in relation to those Armed Forces Personnel who have retired and those that are in service, which had been so directed for an expeditious adjudication as the OA 1569 of 2025 had been filed by 245 applicants belonging to the three wings of the Armed Forces, it cannot be overlooked that in terms

of Rule 4(5) of the Armed Forces Tribunal (Procedure) Rules 2008 itself, there is a specific embargo on more than one serving personnel of the regular Army, Navy or Air Force instituting an original application before the Tribunal. In terms of Rule 4 (5) of the AFT (Procedure) Rules 2008, thus, the Tribunal may permit more than one person other than the persons serving in the regular Army, Navy or Air Force to join together and file a single application if it is satisfied, having regard to the cause of action of the nature relief prayed for that they have a common interest in the matter.”

4. In terms of the Rule 4(5) of the AFT Procedural Rules 2008 there is specific embargo on more than one serving personnel of the regular Army, Navy or Air Force instituting an original application before the Tribunal. Counsel for the applicant in the circumstances seeks to withdraw the present OA with all its accompanying applications seeking liberty to file afresh petitions on behalf of each of the applicants. The prayer is allowed to the said extent and the OA 4041/2025 is dismissed, as withdrawn, with liberty granted, as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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