

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

2.

OA 1421/2025

Lt Col Vinod Chandra Norki Applicant

Versus

Union of India & Ors. Respondents

For Applicant : Mr. I S Singh, Advocate

For Respondents : Mr. Neeraj, Sr. CGSC
Mr. Rudra Paliwal, Advocate

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

14.05.2025

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Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant calls in question tenability of Show Cause Notice (SCN) dated 16.07.2024 (Annexure A-16) and wants a declaration to the effect that it is unsustainable in law illegal, arbitrary and, therefore, should be quashed.

2. The applicant was enrolled in the Army as a recruit on 02.08.2001. On 12.06.2010, he was commissioned as an officer. In July, 2020, the applicant was subjected to Re-categorisation Medical Board at Military Hospital (MH), Hisar, as he was suspected to be a case of Alcohol Dependence Syndrome and because of this his medical

category was temporarily downgraded to S3 (T-24) for 24 weeks w.e.f. 28.08.2020. After expiry of 24 weeks on 24.02.2021, the applicant was subjected to another Re-categorisation Medical Board whereby the aforesaid category was further extended to another 24 weeks. The applicant was placed under medical category for a total period of 96 weeks on account of Alcohol Dependence Syndrome. In 2023, the applicant was upgraded to SHAPE-1 and thereafter, he was admitted to the ICU ward of MH, Bhatinda for 14 days between 22.03.2024 to 04.04.2024. He was put under the psychiatric observation and was administered certain drugs. He was subjected to further treatment and it is indicated by the applicant himself that after medical evaluation conducting various tests and diagnosis including NCCT of Brain and the report of the same, it was found that the applicant was diagnosed with various ailments on account of which the impugned SCN has been issued to him under Rule 15 A of the Army Rule, 1954 and in accordance to the provisions of Para 8 (C) of Army Order 513/71 and Para 424 (C) of the medical provisions.

3. In the SCN issued to the applicant vide Annexure A-15, it is indicated that the applicant is suffering from Alcohol Dependence Syndrome (ICD DIAG:- MENTAL AND

BEHAVIOURAL DISORDERS DUE TO USE OF ALCOHOL
DEPENDENCE SYNDROME) and as such is found
permanently unfit for any form of further military service.
The applicant has been informed that the Medical Board has
categorized so and after formal approval of the competent
medical and administrative authorities, the applicant will be
invalided out from service. The applicant was also given an
option to file an appeal against the decision of the Medical
Board making the recommendation. The records indicate
that the applicant has already exercised his option for
challenging the Medical Board's recommendation by filing
an appeal before the Competent Appellate Board as it evident
from Annexure A-2 and further he has also submitted his
reply to the SCN. Raising various grounds to say that the
appeal filed by the applicant is not being decided, the
provision of Rule 15 A of the Army Rule, 1954, will not be
applicable, the findings of the Medical Board is not proper
and the Medical Board itself has been constituted contrary to
the requirement of AOs 152-153 (Annexure A-19). The
applicant at this stage of the SCN wants this Court to
intervene and quash the SCN and the proceedings initiated in
pursuance to the SCN.

4. The respondents raised an objection to say that at this stage the application is premature, only a SCN has been issued to the applicant, a final decision in the SCN is yet to be taken and, therefore, at this stage, intervention by this Tribunal is not proper.

5. Having considered the rival contentions and on going through the records, we are of the opinion that finding the applicant to be medically unfit for discharging military duties on various counts, the Medical Board has given an opinion and based on the opinion of the Medical Board, the impugned SCN has been issued to the applicant under Rule 15 A of the Army Rules, 1954. Rule 15 A of the Army Rule, 1954, empowers release of an officer on medical ground if the officer is found to be permanently unfit for any form of military service by the Medical Board. That being so, the issue before this Tribunal is as to whether at this stage of issuance of SCN itself, indulgence can be made in exercise of the scope of judicial review in this matter as the applicant has already filed an appeal against decision of the Medical Board and he has also submitted his reply to the SCN. The issue is *sub judice* before the competent authorities under the Army Act and Rules framed thereunder and, therefore, in our considered view at the first instance, it is for the competent

authority to evaluate the grievance of the applicant, consider procedural and statutory violation as alleged by the applicant and, thereafter take a decision.

6. At this stage, this Tribunal in exercise of its powers of judicial review under Section 14 of the Armed Forces Tribunal Act, 2007, is not expected to step into the issues of the competent authority, evaluate the various aspects and take a decision to quash the SCN. In our considered view, this is beyond the scope and jurisdiction of this Tribunal and, therefore, at this stage, when only a SCN is issued and a final decision on the SCN is yet to be taken by the competent authority, in the peculiar facts and circumstances of this case, indulgence into the matter is not called for. It is for the competent authority before whom the appeal against the decision of the Medical Board is pending and the proceedings initiated by the SCN under Rule 15 A of the Army Rule, 1954, is pending to evaluate the grievance of the applicant in the backdrop of the grounds raised by him, take a decision in the matter and then only in case the applicant has any grievance still subsisting, this Court to interfere into the matter after the applicant exhaust all statutory remedies available under the Army Act, the Army Rules and the other statutory provisions applicable.

7. Accordingly, in the facts and circumstances of the case, no case is made out for interference, at this stage, when only a SCN is issued. We dispose of the matter, leaving it to the applicant to prosecute the matter before the competent authorities where the issues are pending after issuance of the SCN and the appeal filed by him against the decision of the Medical Board.

8. In view of the aforesaid, the OA is dismissed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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