

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

6.

OA 1446/2025

Nk (Clk SD) Sumit Kumar	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Rakesh Kumar Yadav, Advocate
For Respondents	:	Mr. S. R. Swain, Advocate with Mr. Ankush Kapoor, Advocate

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

ORDER
15.05.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application. The reliefs claimed under Para 8 of the said O.A. read as under:

- (a) To pass an order or directions to the respondents and call for all records of allegations, as leveled against the Applicant herein, in the multiple show cause notices issued, Court of Inquiries ordered, Punishment of Pay Fine Awarded which is against the Recommendations and Advise of the Graded Specialist (MD Psychiatry) in the Medical Board Proceedings dated 05 Jan 2023, 22 Jun 2023, 22 Jan 2024 and 13 Jul 2024, as

Applicant is suffering from "SEVERE DEPRESSION EPISODE WITHOUT PSYCHOTIC SYMPTOMS (ICD10 F.32.2), which is relapsing nature of illness and he will require observation and treatment and avoid stress and strain.

- (b) To call for records of sickness and Opinion, Recommendations and Advise of the Specialist (Psychiatry) as given in respect of the Applicant herein to recover and rehabilitate him from his deadly disease of Severe Depressive Episode without Psychotic Symptoms (ICD 10 F-32.2), which is relapsing in nature.
- (c) To set aside all proceedings against the Applicant herein and ill treatment which amounts to gross violation of the principles of Natural Justice, Article 19 & 21 of the Constitution of India and also right and privileges, as provided in the Sec 47 of the Army Act 1950, and Army Order 03/2001, considering his relapsing health conditions.
- (d) To pass such other order/orders as this Hon'ble Tribunal may deem fit just & equitable in the facts and circumstances of the case, in favour of the Applicant herein.

2. From the records, it is seen that the applicant was enrolled in the Indian Army on 25.03.2013. He suffered from certain disabilities while posted in the Field Area at Missamari (Assam) of Severe Depressive Episode without Psychotic Symptoms' (ICD 10 F-32.2) in August 2022. His ailment was diagnosed as "Severe Depressive Episode without Psychotic Symptoms". He was placed in Low Medical Category S3 (T-24) w.e.f. 05.09.2023. The medical records further indicate that he has been in the Low Medical Category ever since then and the said condition and illness require constant observation. Because of various acts of commission and omission, the applicant was also subjected to certain disciplinary action. Show cause notices were issued to him. Courts of Inquiry were conducted and tentative charge sheets were also issued. Among others, show cause notices were issued to him on 09.08.2024, a Court of Inquiry was convened on 10.08.2024 and a tentative charge sheet was issued to him on 05.10.2024. Thereafter, show cause notices were again issued to him on 09.10.2024 and 11.10.2024. The applicant alleges that, on account of certain complaints made by his wife regarding harassment and wrongdoing by the Section In-charge and certain officers against the applicant, the impugned action has been taken. The applicant seeks to restrain the respondents from taking any action against him and the relief as indicated hereinabove is claimed. The records also indicate that the applicant's counsel sent a legal notice, which was replied to in detail by the respondents vide communication dated 24.02.2025. Every

allegation of the applicant has been rebutted and reasons have been provided regarding the action proposed to be taken against him.

3. Having heard learned counsel for the parties and having bestowed our anxious consideration on the issues in question, we find that on the allegation of harassment by the superior officer and the claim that the action against the applicant is instigated by mala fides, the applicant seeks intervention into the matter. The impugned order available on record dated 23.09.2024 pertains to the complaint made by the applicant and a complaint made by the applicant's wife against the superior officers of the applicant alleging harassment and wrongful posting. This has been rebutted by the respondents who state that the applicant's posting was done at his own request and on medical grounds and that a fresh posting can be issued based on policy. As far as the complaint of harassment and its investigation are concerned, the same has been rejected by the office of the Director General of Signals.

4. The applicant's medical report filed by the applicant indicates that he is suffering from a severe depressive episode and other ailments. He is in Low Medical Category and based on the acts of commission and omission, certain actions have been taken against him. Merely on the grounds placed by the applicant's wife that her husband is being harassed, at this stage, we cannot interfere in the matter based on vague allegations. The applicant's complaints to senior officials have been examined and rejected in detail.

5. In case the applicant has any further grievance, the scheme under the Army Act, 1950, specifically Chapter V, Section 26, provides remedies for aggrieved persons other than officers. This includes grievance redressal before the Central Government and the Chief of the Army Staff. That being so, at this stage, considering the facts and circumstances that have come on record, we are not inclined to interfere in the matter. In case the applicant feels that his complaints have not been properly addressed by Signal HQs, he may make complaints to higher authorities as per the statutory rights available to him under the Army Act and it would be for such authorities to evaluate the grievance of the applicant. At this stage, when show cause notices, tentative charge sheets and Courts of Inquiry are pending, indulgence by this Tribunal in the matter is not called for.

6. The application is disposed of with the aforesaid observations and liberties to the applicant..

7. No order as to costs.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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