

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

69.

OA 4839/2024

Nb Sub (PA) Rajesh Kumar (Retd) Applicant
Versus
Union of India & Ors. Respondents
For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC
Maj A.R. Subramaniam, OIC Legal Cell

CORAM

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

ORDER
29.04.2025

OA 4839/2024

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the main prayer made in Para 8(A) reads as under:

"A. To call the records of CoI, leading to tentative charge-sheet and quash & set aside the impugned order of Competent Authority invoking Army Act 1950, Sec 123 wef 01 Jul 2023, due to pending disciplinary proceedings and Charge sheet dt. 12 Jan 2024, let to infringement of right to liberty of the Applicant for more than 16 months."

2. On 19.11.2024, a Show Cause Notice (SCN) was issued to the respondents and thereafter, by a detailed order passed on 05.12.2024, the applicant was subjected to confinement of camp. Be as it may be, now we are informed by learned OIC, Legal Cell and the counsel appearing for the respondents that the Court Martial proceedings against the applicant have been

concluded on 04.04.2025, he has been found guilty of the charges levelled against him and punished with forfeiture of five years of service for pension and severe reprimand. It is also indicated that he has not been awarded imprisonment and as a consequent thereof, he should be immediately released from all custody and he should not be kept in custody of any type now, in view of the aforesaid conclusion. Allowing the said prayer, we dispose of the matter granting liberty to the applicant to challenge the subsequent developments and the punishment imposed upon him in accordance with law. It ~~may further be~~ ^{is further} directed that in spite of the punishment imposed now after the trial, all post-discharge benefit should be granted to the applicant. However, the aforesaid order is subject to confirmation of the punishment and proceedings of the Court Martial by the Competent Authority. In case of any change after the confirmation proceedings, the parties will have the liberty to make a mention and seek modification of the order.

3. With the aforesaid, the OA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL/DHIREN VIG]
MEMBER (A)