

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

92 to 95.

OA 819/2023 WITH MA 2133/2023

SIGMN Alim Khan (Through His Brother Md Saleem)	Applicant
Versus		
Union of India & Ors.	Respondents

WITH

OA (Appeal) 1701/2022, OA 12/2024 WITH
MA 12/2024 WITH MA 13/2024 WITH MA
4545/2024 AND OA (Appeal) 4524/2024 WITH
MA 4697/2024

For Applicant	:	Mr. Anand Kumar, Advocate Mr. Rajan Kumar, Advocate Ms. Gurpreet Daas, Advocate
For Respondents	:	Gp Capt Karan Singh Bhati, Sr. CGSC Mr. Anil Kumar Gautam, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
19.05.2025

OA 819/2023 AND OA 12/2024

These applications were filed by the applicant at the interlocutory stage when Summary General Court Martial (SGCM) was being conducted against the applicant and he had called in question certain interlocutory orders passed during the proceedings of the Court Martial.

2. During the pendency of the matter, the Court Martial proceedings were concluded and punishment imposed.

Against the punishment and the confirmation proceedings, an appeal being OA (Appeal) 4524/2024 under Section 15 of the Armed Forces Tribunal Act, 2007, has been filed by the applicant which is pending before this Tribunal.

3. In view of the above, it is stated by learned counsel for the applicant that these applications are now rendered infructuous and he may be permitted to withdraw the same with liberty to prosecute the OA pending before this Tribunal, i.e., OA (Appeal) 4524/2024 wherein all the grounds raised in these applications are also raised by challenging the final outcome of the Court Martial. He is permitted to do so.

4. Accordingly, the OA 819/2023 and OA 12/2024 stand disposed of with the liberty aforesaid.

5. In view of the above order, all the pending miscellaneous applications pending in their respective OAs stand closed.

OA (Appeal) 1701/2022

6. Challenging certain proceedings held at the interlocutory stage of a District Court Martial (DCM), the applicant had invoked the jurisdiction of this Tribunal under Section 15 of the Armed Forces Tribunal Act, 2007.

7. Now during the pendency of the said OA, it is brought to our notice that the DCM has been concluded, the applicant has been found not guilty, he has been exonerated of the charges and the confirmation proceedings are pending before the Competent Authority.

8. That being so, it is stated by learned counsel for the applicant that after the confirmation proceedings are held and if the findings of the DCM are affirmed, the grievance of the applicant stands rendered infructuous. However, in case there is any order adverse to the applicant passed at the stage of confirmation, liberty may be granted to the applicant to challenge the same at that point of time.

9. There seems to be much substance in the aforesaid submission of learned counsel for the applicant.

10. In view of the above, we dispose of the matter having been rendered infructuous with the aforesaid liberty to the applicant as prayed for.

OA (Appeal) 4524/2024 WITH MA 4697/2024

11. List the matter on 15.07.2025 as already ordered on 24.04.2025 in MA 4697/2024 for consideration of the MA 4697/2024 pending in the OA (Appeal) 4524/2024.

12. In the meanwhile, in the OA (Appeal) 4524/2024, respondents are directed to file their counter affidavit within a period of six weeks.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

Neha
OA 819/2023