

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

6.

OA 754/2026

L Nk (RST) Vikram Singh Gurjar
(Thru Pairokar Susheela Bai Gurjar) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Shashank Shri Tripathi, Advocate
For Respondents : Mr. Vaibhav Sabharwal, Advocate

CORAM

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

ORDER
16.03.2026

The applicant has invoked the jurisdiction of this Tribunal seeking a declaration that the proposed trial by Court Martial is barred by limitation under Section 122 of the Army Act, 1950 and consequently, no Court Martial can be conducted in respect of the charges indicated in the tentative charge sheet.

2. The applicant faces seven charges involving allegations of serious misconduct. It is alleged that while performing his duties as a Lance Naik the applicant misused his position and received an amount of Rs.6,25,000/- from Hav Vikas Kumar of 20 Mount Artillery (Rs.5,00,000/- in cash and Rs.1,25,000/- through bank transfer). Further, he is alleged to have received Rs.66,427/- from Nk Lokeshwar Netam along with other amounts from various individuals. Similar allegations of monetary transactions

form the basis of the seven charges as detailed in the tentative charge sheet.

3. The applicant contends that the alleged transactions are barred by limitation under Section 122 of the Army Act, 1950 and therefore the charges are liable to be quashed and proceedings dropped. However, it is noted that the applicant has already invoked the statutory remedy available under Section 26 of the Army Act read with Para 364 of the Army Regulations by raising a plea of bar on limitation before the competent authority through Annexure A7 dated 16.02.2026. The said representation is stated to be pending consideration. Further, upon disposal of the said statutory representation the applicant has the remedy of filing a statutory complaint under Section 27 of the Army Act before the Central Government. Additionally, under Army Rule 157 the applicant is entitled to raise the plea of bar before the Court Martial itself which is required to adjudicate the same prior to proceeding with the trial.

4. In view of the above and considering that the applicant has already availed the statutory remedy under Para 364 of the Army Regulations, we deem it appropriate to direct the competent authority to decide the said representation (Annexure A7 dated 16.02.2026) if not already decided within a period of 45 days from the date of receipt of a copy of this order. Thereafter, if the applicant remains aggrieved he may avail the remedies under Section 27 of the Army Act or in the event of commencement of

Court Martial proceedings raise the plea of bar under Army Rule 157 before the Court.

5. Since the question of limitation in the present case involves a mixed questions of law and fact, particularly in view of allegations relating to receipt of money from multiple sources, we are not inclined to interfere at this stage. The applicant is at liberty to pursue the statutory remedies as indicated above.

6. With the aforesaid observations and liberty, the OA stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[MS. RASIKA CHAUBE]
MEMBER (A)**

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