

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

12.

OA 406/2026

Ex Hav Hitender	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. Anand Kumar, Advocate
For Respondents	:	Mr. Anil Gautam, Sr. CGSC

CORAM

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

ORDER
04.02.2026

Invoking the jurisdiction under Section 15 of Armed Forces Tribunal Act, 2007, the applicant has filed this application and the relief claimed in Para 8 reads as under:-

*“(i) Direct Respondent No. 2, to dispose off the ost-confirmation petition dated 07.05.2025 (Annexure-A/1) within a limited period of time and/or
(ii) Pass any other order or further orders, instruction/s, direction/s as this Hon'ble Court may deem just and appropriate in the facts and circumstances of the case.”*

2. After the sentence and conviction by the District Court Martial vide Annexure A-3, the applicant submitted a petition under Section 164 (2), of Army Act, 1950, vide Annexure A-1 on 07.05.15 and is said to have been sent by the post, as is evident from the postal receipt and acknowledgement slip (Annexure A-4) available at Page 34 & 35.

3. The only grievance of the applicant is that the respondents have not disposed of the Post-confirmation Petition even though more than 6 months have passed after its submission.

4. Even learned counsel for the respondents on advance communication points out that the Post-Confirmation Petition (Annexure A-1) dated 07.05.2025 has not been received by the Competent Authority and he prays for six months time to decide the same.

5. Having heard learned counsel for the parties we find that the post-confirmation petition (Annexure A-1) dated 07.05.2025 was sent by speed post on 07.05.2025 itself at 11.09 AM as is evident from the postal receipt (Annexure A-4). It was addressed to the Chief of Army Staff to be delivered in New Delhi and a tracking report at page 35 indicates that the item with the same number was received by the Office to which it was posted on 10.05.2025.

6. That being so, we are of the considered view that the documents available on record indicate that after his dismissal the applicant had sent the post-confirmation petition by post and it shows its receipt even otherwise the post-confirmation petition is now available on record as

Annexure P-1 and the respondents have received the same while a copy of the application is served.

7. That being so, we dispose of the petition directing the respondents to decide the Post-Confirmation Petition within a period of three months from the date of receipt of a copy of this order.

8. With the aforesaid, the matter stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

AK/AS

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