

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

27.

OA 5/2026

Col Suraj Shumsher Singh		Applicant
Versus		
Union of India & Ors.		Respondents
For Applicant	:	Mr. Virat Anand Singh, Advocate
For Respondents	:	Dr. V.S. Mahndiyan, Advocate

CORAM

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

ORDER
05.01.2026

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Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has prayed for quashing of Convening Order of the Court of Inquiry (CoI), the Charge-Sheet issued to him and the Court Martial proceedings having been initiated against him.

2. On a complaint received from a lady officer, namely, Maj A with regard to sexual harassment and act of unbecoming of an officer with regard to a female officer, a CoI was conducted against the applicant and it seems that the complaint committee has also found the acts of commission and omission against the applicant in violation

to the mandate of Section 4, 7, 9 and 27 of the POSH Act, 2013, sexual harassment at workplace and various other acts of commission and omission amounting to offences under the Army Act.

3. Based on the preliminarily findings recorded in the Col, a Charge-Sheet has been issued to the applicant and a General Court Martial (GCM) has been initiated against him. In the Court Martial, the applicant has raised certain pleas of jurisdiction and limitation, i.e., plea with regard to the violation of Rule 49, 51 and 53 of the Army Rules, *inter alia*, contending that the GCM has been convened illegally and the complaint against him is frivolous and unsustainable, no action can be taken at the preliminarily stage when the Court Martial proceedings are pending, the applicant has invoked the jurisdiction of this Tribunal.

4. Having heard learned counsel for the parties, we find that there are serious complaints against the applicant with regard to sexual harassment of a lady officer and the, *prima facie*, materials available on record based on the Col conducted, the allegation against the applicant seems to have been established. *Prima facie*, case for trial having been made out, a Charge-Sheet has been issued to the applicant

and a GCM convened. At this stage, when the matter is in a Court Martial, it is not appropriate for this Tribunal to invoke its jurisdiction under Section 14 of the Armed Forces Tribunal Act, 2007, evaluate the objections on merit and thereafter, interfere into the matter. The applicant has raised the objections before the Court Martial and the Court shall try the same in accordance with law and at the preliminarily stage, interference into the matter by this Tribunal is not called for. The applicant should face the trial and finally after the trial is concluded by the Court, he will have the right to invoke the appellate jurisdiction of this Tribunal under Section 15 of the Armed Forces Tribunal Act, 2007.

5. At this stage, in the facts and circumstances of the case and keeping in view the consistent law laid down by the Hon'ble Supreme Court in such matters prohibiting interference at interlocutory stage in a Court Martial proceeding, we are not inclined to interfere into the matter.

6. Accordingly, without expressing any opinion on the merits of the matter, we dismiss this application with liberty to the applicant to raise all such grounds as are permissible before the General Court Martial in the trial and thereafter, challenge the final findings after the trial is concluded.

7. With the aforesaid, finding no case for interference is made out, the OA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

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