

COURT No.1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

24.

OA 1398/2019

Nb Sub Muralidharan B

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant : Mr. AjitKakkar, Advocate

For Respondents : Mr. Tarunvir Singh Khehar, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER  
26.02.2020

OA 1398/2019

The applicant has filed this application and prays for the following reliefs:

- (a) To grant promotion to the applicant in the rank of Subedar from the date of issuing of promotion order i.e. 25.01.2017.
  - (b) To pay all consequential benefits accrue to the applicant due to promotion to the rank of Subedar.
  - (c) To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.
2. According to the respondents the benefit of promotion could not be granted to the applicant on account of the fact that certain disciplinary proceedings said to have been initiated against as he was involved in the disciplinary case and the inquiry is in progress.

3. However, during the course of hearing of the matter on 4<sup>th</sup> February, 2020 applicant produced a letter dated 24<sup>th</sup> March, 2017 issued by the Chief Record Office indicating that the disciplinary proceedings initiated against the applicant have been closed by the Headquarter, 22 Arty Bde (A). When this was brought on record on 12<sup>th</sup> February, 2020, we directed learned counsel for the respondents to indicate as to why now the promotion cannot be granted to the applicant in view of the fact that the proceedings against the applicant are said to have been dropped.

4. Mr. Tarunvir Singh Khehar, learned counsel for the respondents, has filed a detailed affidavit in this regard and has brought on record certain documents which go to show that clearance given vide communication dated 24<sup>th</sup> March, 2017 was found to be invalid and assumption that disciplinary clearance granted is also not correct. It is indicated in the counter affidavit that the applicant was blamed by the Court of inquiry based on the detailed investigation by FSL; the inquiry is in progress; the applicant is presently attached for disciplinary proceedings and recording of summary evidence is in progress.

5. In this view of the matter, we see no reason to grant any interim relief or order for the present. Respondents may bring on record all proceedings based on which the inquiry is said to be in progress and the applicant is granted liberty to amend the pleadings and, if advised, to challenge the delay or the process

initiated with regard to disciplinary proceedings in question.

We grant the parties four weeks' time to complete the pleadings.

5. List the matter on 1<sup>st</sup> April, 2020.

**(RAJENDRA MENON)**  
**CHAIRPERSON**

**(PHILIP CAMPOSE)**  
**MEMBER (A)**

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