

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

D.No.31 of 2012 in unnumbered O.A.

FRIDAY, THE 24TH DAY OF FEBRUARY, 2012/5TH PHALGUNA, 1934

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGAPERUMAL ADITYAN, MEMBER (J)

HON'BLE LT. GEN. THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

COMMANDER ANIL K.CHAUDHARY,
No.03848-W, AGED 42 YEARS
S/o.SRI.HARBIR SINGH

APPLICANT

PRESENT PLACE OF POSTING

AS STAFF OFFICER DIVING
HEAD QUARTERS EASTERN NAVAL COMMAND
C/O. NAVAL BASE, VISAKHAPATNAM – 530 014.

ATTACHED TO

INS VENDURUTHY
NAVAL BASE, KOCHI-682 004.

BY ADV. SRI.V.K.SATHYANATHAN.

VERSUS

1. UNION OF INDIA, REPRESENTED
BY ITS SECRETARY,
MINISTRY OF DEFENCE, SOUTH BLOCK
NEW DELHI – 110 011.
2. THE CHIEF OF NAVAL STAFF,
INTEGRATED HEADQUARTERS OF MINISTRY
OF DEFENCE (NAVY)
FOR PDOP/PDNAM/PDNT
NEW DELHI - 110011.
3. THE FLAG OFFICER COMMANDING-IN-CHIEF
SOUTHERN NAVAL COMMAND,
NAVAL BASE, KOCHI-682 004.
4. THE FLAG OFFICER COMMANDING-IN-CHIEF
EASTERN NAVAL COMMAND
NAVAL BASE, VISAKHAPATNAM-530014.
5. THE COMMANDING OFFICER,
INDIAN NAVAL SHIP VENDURUTHY,
NAVAL BASE, KOCHI-682 004.

RESPONDENTS

ORDER

A.C.A. Adityan, Member (J)

We heard the exhaustive arguments of the learned counsel appearing for the applicant, but we are not convinced with the same because the relief asked for in this application is to declare that the Board of Inquiry under the provisions of the Regulation for the Navy is to be rejected on the ground that it has not followed the statutory provisions and the other reliefs also connected with the main relief of questioning the very fact of Board of Inquiry. At first we want to emphasis that the relief asked for in this application is premature in nature. Even if the applicant has got any grievance in respect of the conduct of the Board of Inquiry, it is open to the applicant to challenge the same before the Chief of the Naval Staff. At paragraph 18 of the application the applicant has pleaded that the Board of Inquiry has recommended for a trial by Court Martial against the applicant. Under such circumstances, as per the Armed Forces Tribunal Act, 2007 Sec.3(o), the applicant has got ample opportunity to challenge the verdict of the Court Martial before this Tribunal. As we have already observed that this application

is premature in nature, we find no reason to admit the same.

The petition is rejected.

Sd/-

LT.GEN.THOMAS MATHEW
MEMBER (A)

Sd/-

JUSTICE A.C.A.ADITYAN
MEMBER (J)

mds/

(True copy)

Prl. Private Secretary