

Notes of the Registry	Orders of the Tribunal.
	<p style="text-align: center;">IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI.</p> <p style="text-align: center;"><u>O.A 60 of 2016</u></p> <p style="text-align: center;"><u>PRESENT</u></p> <p style="text-align: center;">HON`BLE MR. JUSTICE B.P.KATAKEY, OFFICIATING CHAIRPERSON</p> <p style="text-align: center;">HON`BLE LT GEN SANJIV LANGER, MEMBER (A)</p> <p>Wing Cdr JJ Jacob (23406-A)AE(I) HQ Eastern Air Command, PIN-C/o 99 APO Upper Shillong, East Khasi Hills District Meghalaya</p> <p style="text-align: right;">... Applicant. By legal practitioners for Applicant. Mr. R. Jha, Mr. TL Jyrwa</p> <p style="text-align: center;">-Versus-</p> <p>1. Union of India through the Secretary MoD, South Block, DHQ PO New Delhi-110011</p> <p>2. The Chief of the Air Staff Represented by SOA HQ Eastern Air Command, C/o 99 APO</p> <p>3. Legal Cell, (HQ EAC)</p> <p>4. Wg Cdr Pankaj Vats (24019) F(P)</p> <p>5. Mrs. Deepika Vats W/o Wg Cdr Pankaj Vats (24019) F(P)</p> <p style="text-align: right;">..... Respondents By legal practitioners for Respondents. Brig N. Deka (Retd), CGSC.</p>

ORDER

15.12.2016.

1. Heard Mr. R Jha, learned counsel appearing for the applicant and Brig. N. Deka (Retd), learned CGSC assisted by Sergeant Sanjeev Kumar, SNCO IC Air Force Legal Cell, Guwahati, Guwahati appearing for the respondents.

2. The applicant has filed this application challenging the show cause notice dated 21.07.2016 contending inter-alia that since the said show cause notice is based on a Court of Inquiry held without following the requirement of the Air Force Act, 1950 and Rules framed thereunder, the show cause notice needs to be interfered with, so also the Court of Inquiry proceeding.

3. The respondents have entered appearance by filing a Caveat being MA No. 44 of 2016, which stands discharged. It is the case of the respondents that the application filed by the applicant is premature as the appropriate authority is yet to take a decision on the show cause notice issued as well as the reply filed thereto by the applicant on 31.10.2016.

4. It appears from the pleadings in the OA that based on a Court of Inquiry proceeding, the respondent authority has issued a show cause notice on 21.07.2016 asking the applicant to show cause as to why he should not be dismissed from service by the Central Government in terms of Sec 19 of the Air Force Act, 1950 read with Rule 16 of the Air Force Rules, 1969. The applicant on receipt of the said show cause notice has submitted his reply on 31.10.2016 raising the issues relating to the legality and validity of the Court of Inquiry and also consequent show cause notice.

5. The respondent authority on the basis of the said proceeding is yet to take a final decision in the matter and hence we are not inclined to interfere with the said proceeding at this stage. The respondent authority would naturally take a final decision on the show cause notice issued to the applicant in accordance with law. Needless to say that if the applicant has any grievance by the order that may be passed, it is open to him to approach the appropriate forum under the law.

6. OA accordingly stands dismissed.

MEMBER (A)

OFFICIATING CHAIRPERSON

Kalita

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