

**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
GUWAHATI**

**O.A .- 12/2016**

**PRESENT**

**HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J)  
HON`BLE VICE ADMIRAL A.G.THAPLIYAL, AVSM & BAR, MEMBER (A)**

**Sgt. A.K.Singh**

..... **Applicant.**

By legal practitioners for  
Applicant.

**Dr. Gobind Lal,  
Mr. U.Sarma,  
Mrs. U.Zeeham,  
Mr. ANI Hussain,  
Ms T.Borgohain.**

**-VERSUS-**

- 1. Union of India,  
Through its Secretary,  
Ministry of Defence,  
South Block, New Delhi –110001.**
- 2. The Chief of Air Staff,  
Air Force Headquarters,  
Vayu Bhavan, New Delhi- 110011.**
- 3. Station Commander/Commanding Officer,  
51 Air Stores Park (ASP),  
Air Force PIN 936851, C/o 99 APO.**
- 4. Presiding Officer & Members of Court of Inquiry,  
Held at 51 ASP,  
Air Force PIN 936851, C/o 99 APO.**

.....**Respondents.**  
Brig N.Deka (Retd.), **CGSC.**

**Date of hearing: 31.03.2016.**

**Date of Judgment & Order: 31.03.2016.**

**JUDGMENT & ORDER**

(By B.P.Katakey,J.)

Heard Dr. Gobind Lal, learned Counsel for the applicant, Brig. N.Deka, learned Central Govt. Standing Counsel, assisted by Seargent Sanjeev Kumar, SNCO IC, Air Force Legal Cell.

2. The applicant has filed the present O.A. praying for a direction to the respondent authority to supply the deposition of the witnesses examined during the Court of Inquiry (COI) and to allow him to cross-examine the witnesses, who have deposed against him, before proceeding with recording the summary evidence, contending, inter alia, that though he applied for the copies of the deposition of the witnesses recorded during the COI, the same have not been furnished to him and he has been denied the opportunity of cross-examining those witnesses, who have deposed against him.

3. The learned Counsel appearing for the applicant, in view of the aforesaid contention of the applicant, has submitted that the necessary direction may be issued to the respondent authorities to supply the applicant the copies of deposition of witnesses and also to allow him to cross-examine those witnesses, who have deposed against him, before recording the summary evidence, which is going to commence tomorrow, i.e. 1st April, 2016.

4. Brig. N.Deka, learned Counsel for the respondents, on the other hand, has raised a preliminary objection relating to the maintainability of the O.A., contention, inter alia, that the applicant has not availed the alternative remedy available to him before approaching the Tribunal by means of the present O.A. According to the learned Counsel if the applicant has any grievance he has to approach the authority who is next superior to the authority convening the COI, which has not been done. On merit it has been submitted that though the applicant was given the opportunity to be present during the COI, while the applicant was present for some time, he, however, subsequently did not attend the COI and also refused to cross-examine the witnesses. Learned Counsel further submits that since the COI is by now over on 18.03.2016, the copies of the COI would definitely be provided to the applicant subject to payment of the costs. Learned Counsel, therefore, submits that the applicant is not entitled to the relief, as claimed.

5. Admittedly, the applicant so far has not approached the authority, superior to the authority convening the COI, ventilating his grievance. That being the position, we dispose of the O.A. with the following directions:

- (a) The applicant, within 7 (seven) days from today, shall approach the authority superior to the authority convening the COI ventilating his grievance by way of a representation.
- (b) The said authority, within a week from the date of receipt of the said representation, pass necessary speaking order based on the records of the COI.

Needless to say that in any case the applicant shall be supplied with the COI proceedings subject to the payment of the required costs.

6. Till the said authority takes a decision on the representation to be filed by the applicant within 7 (seven) days from today, the process of recording the summary of evidence shall remain stayed.

7. The O.A. is accordingly disposed of.

8. Order dasti.

**MEMBER (A)**

**MEMBER (J)**

Nath.