

IN THE ARMED FORCES TRIBUNAL

REGIONAL BENCH, GUWAHATI

OA 10/2014

JC-623722 W Subedar(clerk)Ram Pukar Singh
Of Headquarters 22 Movement Control Group
PIN 900328 C/O.99 APO

Applicant

**By legal practitioners for
Applicant**

Dr. Gobind Lal
Mr.U.Sarma
Mrs.Rajeda Begum
Mrs.Ujma Zeeham
Mr.ANI Hussaain

- Versus -

- 1..Union of India , through Ministry of Defence
South Block, New Delhi-110011.
- 2.Major General Hemant Juneja, Col of the Regiment
8 GR C/O 56 APO
- 3.Brigadier Manohar Thomas, Officers in charge
Records, 58 GR PIN 900332 C/O/99 APO
- 4.JC 623504 Sub (Clk) Joseph Zacharia
7/8 Gorkha Rifles, Pin Army 910207
C/o. 56 APO
- 5.JC 623785Y4 Sub (Clk) S.N.Yadav
6/8 Gorkha Rifles, Pin Army 910006
C/o. 99 APO
- 6 Ex Sub(CLK) & Hony .Lt/Mrityunjay Kumar Singh
6/8 Gorkha Rifles, Pin Army 910006
C/o. 56 APO

Respondents

**By legal practitioner for
Respondents**

Brig.N.Deka CGSC.
Ms.N.Das

P R E S E N T

**HON'BLE MR.JUSTICE B.P.KATAKEY, MEMBER (J)
HON'BLE LT GEN (RETD) SANJIV LANGER, MEMBER (A)**

08.02.2016

Heard Dr.Gobinda Lal, learned counsel appearing for the applicant, Brig.N.Deka, learned CGSC appearing for the respondent Nos. 1,2 and 3 assisted by Col Ananad,OIC,AFT, Legal Cell. Also heard

Ms.N.Das, learned counsel appearing for respondent No.4. None appears for the other respondents.

The applicant has filed the present OA challenging the action on the part of the respondent Nos. 1, 2 and 3 in not promoting him to the rank of Subedar Major and issuing discharge order dated 20.06.2013, w.e.f. 30.06.2014 and also challenging the promotion of private respondent No.4, on the ground stipulated in the OA.

Though the applicant filed a representation before the Colonel of the Regiment 8 Gorkha Rifles on 10.10.2013, ventilating his grievances, which has been replied to on 19.10.2013, admittedly, no statutory complaint has been filed by the applicant before approaching this Tribunal by means of the present OA , which was filed on 14.02.2014, while the applicant was in service.

Having regard to the fact that no statutory complaint has been filed by the applicant and also the fact that the applicant has approached this Tribunal by means of the present OA while he was in service, we dispose of the OA with the following directions :

- (1) The applicant, if so advised, may file a statutory complaint before the appropriate authority within a period of 6 (six) weeks from today.
- (2) The competent authority shall consider the same on merit provided the statutory complaint is filed within the aforesaid period of 6 (six) weeks and shall pass a speaking order relating to the grievance of the applicant that may be projected in said statutory complaint.

Needless to say, if the applicant still has any grievance against the order that may be passed by the respondent authority on the statutory complaint, it is open for the applicant to approach this Tribunal again by means of an OA.

The present OA is accordingly disposed of.

No costs.

MEMBER(A)

MEMBER(J)

Mc

