

Notes of the Registry	Orders of the Tribunal.
	<p style="text-align: center;"><b>IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI.</b></p> <p style="text-align: center;"><b><u>O.A. 19/2016</u></b></p> <p><b>Air Craftman Ruhul Amin.</b> No. 8954280-T S/o Mr. Abdul Batin, Vill- Tilapaa, P.O. Ambari, Dist. Bongaigaon (Assam)</p> <p style="text-align: right;"><b>Applicant.</b> By legal practitioners for Applicant. <b>Ms Rita Devi,</b> <b>Mr. AR Tahbildar,</b> <b>Ms SJ Deka.</b></p> <p style="text-align: center;">-Versus-</p> <p style="text-align: center;"><b>Union of India &amp; Ors.</b></p> <p style="text-align: right;"><b>Respondents</b> By legal practitioners for Respondents. <b>Brig. N.Deka (Retd.), CGSC.</b></p> <p style="text-align: center;"><b>PRESENT</b> <b>HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J)</b> <b>HON`BLE AIR MARSHAL J.N.BURMA, PVSM, AVSM, VM,</b> <b>MEMBER (A)</b></p> <p>14.06.2016</p> <p>Heard Ms Rita Devi , learned Counsel for the applicant and Brig. N.Deka, learned Central Govt. Standing Counsel assisted by Sergeant Sanjeev Kumar, SNCOIC, Air Force Legal Cell, Guwahati.</p> <p>The applicant has filed this application challenging his discharge dated 6<sup>th</sup> April, 2016, whereby and whereunder the applicant has been discharged under Rule 15 clause 2(j) of Chapter III of the Air Force Rules, 1969, on the ground that he is unlikely to make an efficient airman (on account of poor academic performance).</p> <p>Brig. N.Deka, learned Central Govt. Standing Counsel has submitted that there being an alternative remedy available to the applicant, in view of the provisions contained in sub-section (2) of Section 26 of the Air Force Act, 1950, the applicant has to approach the said authority before approaching this Tribunal by means of the present O.A. It has, therefore, been submitted that the O.A. is premature.</p>

Learned Counsel appearing for the applicant, in view of the aforesaid submissions advanced by the learned Central Govt. Standing Counsel, has submitted that the applicant may be allowed some time to approach the authority under sub-section (2) of Section 26 of the aforesaid Act with a further direction to the appropriate authority to decide the grievance of the applicant in accordance with law and within a specific period of time.

Brig. N.Deka, learned Central Govt. Standing Counsel submitted that in case the applicant approaches the authority under sub-section (2) of Section 26 of the aforesaid Act, the same would be decided on merit.

Having regard to the aforesaid submissions advanced, we dispose of the O.A. allowing the applicant to approach the appropriate authority under sub-section (2) of Section 26 of the Air Force Act, 1950 within a period of 15 days from today and in the event of making such approach, the competent authority shall decide the grievance of the applicant by a speaking order within 4 (four) weeks thereafter. Needless to say that the order that may be passed by the authority would be communicated to the applicant so that if he has any further grievance, he may approach the appropriate authority.

The O.A. is accordingly disposed of.

No costs.

Order dasti.

**MEMBER (A)**

**MEMBER (J)**

Sn.