

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

**OA- 06/2016**

**Col Bharamshettar Shivprasad**

Applicant

**By legal practitioners for  
Applicant**

Dr. Gobind Lal

Mr.U.Sarma

Mrs.Rajeda Begum

Mrs.Ujma Zeeham

Ms.T.Buragohian

**- Versus -**

**Union of India and ors**

Respondents

**By legal practitioner for  
Respondents**

Brig.(Retd)N.Deka CGSC.

**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)**

**10.02.2016**

Heard Dr.Gobind Lal, learned counsel appearing for the applicant, Brig (retd).N.Deka, learned CGSC appearing for the respondents assisted by Col Anand, OIC, AFT, Legal Cell.

[2] The applicant has filed this OA praying for a direction to the respondent authority to dispose of his statutory complaint dated 16.11.2015 before 15.05.2016 contending, *inter alia*, that since he has filed the Statutory Complaint, it is required to be considered before holding of the No.2 Selection Board, which is expected to be held in the month of June, 2016. The learned counsel appearing for the applicant submits that since the applicant has filed the Statutory Complaint on 16.11.2015, the authority is duty bound to decide the same in

accordance with law, which has not been done till date despite expiry of about 3 months. The learned counsel, therefore, submits that the OA may be disposed of directing the competent authority to decide the said Statutory Complaint in accordance with law and before the next Selection Board meeting is held.

[3] Brig (Retd) N.Deka, learned CGSC appearing for the respondents, on the other hand, submits that the OA filed by the applicant is premature as six months has not expired from the date of filing of the statutory complaint on 16.11.2015. The learned counsel, however, fairly submits that since the Statutory Complaint has been filed, the same has to be considered and disposed of in accordance with law.

[4] The applicant having filed the Statutory Complaint on 16.11.2015, the same has to be decided by the competent authority in accordance with law and before holding of the next Selection Board. Waiting for a period of 6 months from the date of filing of the Statutory Complaint, in the case in hand, may cause prejudice to the applicant as the next Selection Board is expected to be held in June,2016.

[5] That being the position, we dispose of the OA directing the respondent authority to dispose of the Statutory Complaint dated 16.11.2015, filed by the applicant, in accordance with law, well before holding of the next Selection Board, thus enabling consideration of the applicant by that Board, for promotion.

[6] The OA is accordingly disposed of.

[7] No costs.

[8] Order dasti.

**MEMBER(A)**

**MEMBER(J)**

**Mc**