
(2022) 05 AFT CK 0014
In the Armed Forces Tribunal
Case No : OA 1893/2020 with MA 2190/2020

Arjun Kumar Patel

APPELLANT

Vs

Union of India & Ors

RESPONDENT

Date of Decision : 18-05-2022

Acts Referred:

Citation : (2022) 05 AFT CK 0014

Hon'ble Judges : Rajendra Menon, Chairperson, (J); P.M. Hariz, Member (A)

Bench : Division Bench

Advocate : Ajeet Yadav, Rajeev Lochan, Rajesh Kumar Das

Final Decision : Dismissed

Judgement

1. On 02.02.2022, an objection was raised by the respondents with regard to the maintainability of this application in view of the Full Bench judgement dated 28.05.2021 passed by this Tribunal in the case of Rect Kaptan Singh Vs. Union of India and Ors. [O.A. No. 17 of 2015 and other connected matters'. The matter was directed to be listed for consideration on 14.03.2022. On 14.03.2022, the matter was adjourned at the instance of the applicant. Today also, counsel for the applicant is not present. A prayer for an adjournment is made by the proxy counsel appearing on his behalf. However, on going through the prayer made in the application, we find that the applicant has prayed for the following reliefs in Para 8:

(a) The Honble Tribunal may kindly be pleased to direct the respondents to get the height of the applicant be measured at Base Hospital, Delhi Cantt. Or any other Govt. Hospital, and/or;

(b) The Honble Tribunal may kindly be pleased to direct the respondents to give appointment letter to the applicant to join the Soldier Technical Post for which he has applied. And/or;

(c) The Hon ble Tribunal may kindly be pleased to direct the Respondents to initiate an enquiry and take disciplinary action the person in charge for arbitrary and illegally declaring the Applicant unfit. And/or;

(d) To pass any such further order or orders, direction/ directions as this Honble Tribunal may deem fit and proper in accordance with law.

2. Apparently, the matter pertains to recruitment and appointment of the applicant on the Soldier Technical post and in view of the Full Bench decision in the case of Rect. Kaptan Singh etc. (supra), we do not have the jurisdiction to deal with the matter and accordingly, we dismiss the OA. However, liberty is granted to the applicant to take recourse to such remedy as may be available to him before the appropriate Forum as per law.