
(2021) 08 AFT CK 0004

In the Armed Forces Tribunal

Case No : OA 332 Of 2021 With MA 401 Of 2021

Ex Sep/MT Lekhraj

APPELLANT

Vs

Union of India & Ors

RESPONDENT

Date of Decision : 02-08-2021

Acts Referred:

Citation : (2021) 08 AFT CK 0004

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

Bench : Division Bench

Advocate : Ajit? Kakkar, Anil? Gautam

Final Decision : Disposed Of

Judgement

OA 332/2021 WITH MA 401/2021

Having heard learned counsel for the parties, in view of the law laid down by Honâ??ble Supreme Court in the case of Deputy Director of

Collegiate Education (Administration) Madras Vs. S. Nagoor Meera [(1995) 3 SCC 377]w, e are of the considered view that merely because

the High Court in the criminal appeal filed by the applicant has directed for suspension of the sentence, the disqualification attached to the conviction is

not wiped out and till the applicant is not acquitted of the criminal charges in the appeal, he cannot claim any benefit as has been claimed in this

petition.

Keeping in view the aforesaid, for the present, we see no reason to make any indulgence into the matter. However, depending upon the outcome of

the criminal appeal filed by the applicant which is pending before the Punjab and Haryana High Court, in case the applicant is acquitted of the charges,

a right and cause of action will accrue to him to seek appropriate benefit in

accordance with law.

With the aforesaid liberty to the applicant, for the present, finding no case for interference, we dispose of this matter.

OA stands disposed of.

MA, if any, also stands disposed of.