

FORM NO - 4
(SEE RULE 11(1))
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA
ORDER SHEET

APPLICATION NO. O. A. No.13/2014

APPELLANT (S)	Vijay Kumar Sah
RESPONDENT(S)	Union of India & 4 Ors.
LEGAL PRACTITIONER FOR APPELLANT(S)	LEGAL PRACTITIONER FOR RESPONDENT(S)
Mr. Suman Basu	Mr. Sauvik Nandy

	ORDER OF THE TRIBUNAL
	Order No. 17 Dated: 07.04.2015
	<p>Mr. Suman Basu, Id. advocate appears on behalf of the applicant. Mr. Sauvik Nandy, Id. advocate appears for the respondents. Major Narendra Singh, OIC, Legal Cell, HQ Bengal Area is also present.</p> <p>The applicant was enrolled in the Indian Army on 27.04.1994. According to the Id. counsel for the applicant, the applicant's wife expired on 01.09.1998 at 174 Military Hospital, the cause of death being Pregnancy with Hepatic Coma. It appears that a criminal case U/s 498A, 304B, and 314 under IPC was lodged against the applicant. After due trial, he was convicted by an order of the Addl. Sessions Judge, Fast Tract Court No.II, Munger on 24.11.2009 sentencing him for ten years' R.I., two months' S.I. and imposed a fine of Rs.5000/- for the offence committed by the applicant.</p> <p>Thereafter, the applicant preferred an appeal before the Hon'ble Patna High Court which was disposed of on 22.07.2013. Being acquitted by the appellate court (Patna High Court) the applicant submitted a representation to the respondents for restoration in service. Since the respondents had not taken any decision with regard to restoration of his service, the instant application u/s. 14 of the AFT Act, 2007 has been preferred.</p> <p>After hearing the Id. counsel for both sides at length, it appears that the representation submitted by the applicant dated 23.01.2014 is still pending before the competent authority. Since the matter is still pending with the competent authority it would not be appropriate to pass any order. More so, when the Army authority did not consider the representation submitted by the</p>

applicant in accordance with the rules and regulation, we direct the respondents to dispose of the representation dated 23.01.2014, a copy of which has been filed as Annex.A5 to the present OA, by a speaking and reasoned order within a period of four months from the date of receipt of the certified copy of the order and decision of the respondents be communicated to the applicant immediately thereafter.

With the aforesaid direction the OA is disposed of finally.

(LT GEN GAUTAM MOORTHY)
Member (Administrative)

(JUSTICE DEVI PRASAD SINGH)
Member (Judicial)