

07.04.2025
(M/L-26)
Ct. No.4
(B.K.N.)

W.P.C.T. 58 of 2025

**Union of India & Ors.
Vs.
Hav (Clk) Satish Kumar Singh
(No-15173264-L)**

Ms. Sanjukta Bhattacharya,
Ms. G. Rajada

...for the Appellants

1. The applicant before the Tribunal is Havildar (Clerk Subeder) serving the Armed Forces since 2004. He has challenged the order discharging him from service dated 19th January, 2024, before the Armed Forces Tribunal Regional Bench of Calcutta by filing O.A. No. 89 of 2024. The Tribunal has passed an interim order dated 27th September, 2024 which reads as follows:

“On hearing learned counsel on both sides and also perusing the record available at this stage, in the interim, the discharge of the applicant from service on and w.e.f. 30/09/2024 shall remain deferred and there shall be a direction to the respondents to allow him to continue in service during the pendency of the original application in this Court”

2. The learned counsel for the petitioner submits that the present writ petition has been filed challenging the interim order. Our attention is drawn to the order of discharge and it is submitted that the discharge order was in accordance with the law governing the field

based on the rule and provisions governing discharge of such persons.

3. A show cause was issued to the petitioner on 6th December, 2023 to the effect that that his current medical category was a severe impediment in his induction and executing operation task in tough terrain. He was issued a show cause informing him that he cannot be employed in a sheltered employment and, therefore, his retention in service cannot be justified in public interest.
4. The show cause was issued since he had been placed in a low medical category (permanent) on account of certain conditions [(A) **PRIMARY HYPERTENSION(ICD-I10)** w.e.f. 01 NOV 2023, (B) **CEREBRO VASCULAR ACCIDENT (LT) HEMIPLEGIA INTRACEREBRAL HAEMORRHAGE (RT) TEMPORAL AND CAPULOGANGLIONIC REGIONIC REGION(ICD-I69)**]. The petitioner responded to the show cause by submitting that he had acquired this low medical category in the course of discharge of his duties.
5. On a prima facie consideration of the stand of the parties and the records the Tribunal found it appropriate to grant an interim order, as recorded above. We are informed that the next date is fixed on 23rd April, 2025. We are further informed that the present petitioner has also filed an affidavit in

opposition in the said proceedings and that exchange of pleadings is complete from their side. In the circumstances we find no reason to interfere with the interim order passed by the Tribunal on 27th September, 2024 based on a prima facie consideration of the stand of the applicant.

6. We are conscious of the fact that the interim order is based only on the prima facie consideration. The entire issue remains to be considered by the Tribunal in accordance with law. We, therefore, consider it appropriate and expect that the Tribunal shall proceed to adjudicate the issue expeditiously without any undue adjournments or unnecessary delay.
7. The writ petition is accordingly disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)