



W.P.(MD)No.13276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

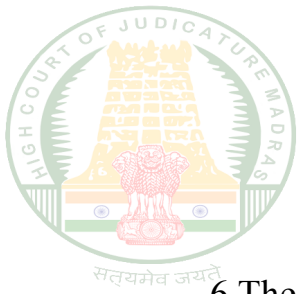
**W.P.(MD)No.13276 of 2024
and
W.M.P.(MD)No.11748 of 2024**

K. Gopinathan

... Petitioner

Vs.

- 1.The Armed Forces Tribunal,
Regional Bench, Chennai.
- 2.Union of India,
Rep by Defence Secretary,
New Delhi.
- 3.Commanding Officer,
The Training Battalion,
Saugor,
Madhya Pradesh 900 127.
- 4.The Chief of the Army Staff,
Army Headquarters,
Sena Bhavan, New Delhi - 110011.
- 5.GOC-in-C,
Southern Command Headquarters,
Southern Command,
Pune (Maharashtra) - 411 001.



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6.The Mahar Regiment Centre,
Saugor,
Madhya Pradesh - 900 127.

7.The Mahar Regiment Record Office,
Saugor,
Madhya Pradesh - 900 127.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 10.01.2018 passed by the 3rd respondent and consequential order made in O.A.(Appeal) No.97 of 2019 dated 02.08.2023 on the file of first respondent and quash the same as illegal and consequently direct the respondents to reinstate the petitioner with continuity of service and with back wages.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India.

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

Heard the learned counsel for the petitioner and the learned Deputy Solicitor General of India for the respondents.



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2.The writ petitioner was enrolled in the Indian Army on 19.12.2016 and assigned to course 110, Platoon-213 (Assaluttar Company) for basic military training. On 12.04.2017 at about 8.30 pm, the petitioner got into an altercation with a fellow recruitee by name Bonda Gopala Krishna. Bonda Gopala Krishna suffered grievous injuries (Fracture RT mandible). He complained to the superior authorities. In this regard, court of inquiry was held against the petitioner on 05.05.2017. Two charges were framed against the petitioner. They were as follows:-

“(i) Without sufficient cause failing to appear at the place appointed for duty.

(ii) An act prejudicial to good order and military discipline.”

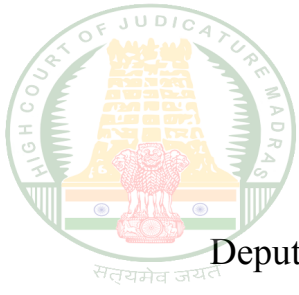
When the petitioner was questioned, he pleaded guilty to both the charges. He only sought pardon and undertook not to repeat such acts. However, summary court martial was of the view that the petitioner's conduct was not in consonance with the military discipline and hence, awarded the sentence of dismissal from service vide order dated 10.01.2018. Aggrieved by the same, the petitioner filed an appeal before



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the appellate authority. The appellate authority also dismissed the appeal vide order dated 05.08.2019. Challenging the same, the petitioner filed O.A.(Appeal) No.97 of 2019 before the Armed Forces Tribunal, Regional Bench, Chennai. On 02.08.2023, the Armed Forces Tribunal dismissed the appeal. Questioning the same, this writ petition has been filed.

3.After hearing the learned counsel for the petitioner as well as the learned Deputy Solicitor General of India for the respondents, we are of the view that interference is not warranted. It is for more than one reason. The writ petitioner had not even been formally admitted in the Armed Force. He was only undergoing training and he was more like a probationer. During this period, he ought to have conducted himself with utmost care. He got into an altercation with a fellow recruitee. There might have been some provocation for the same but that did not entitle the petitioner to inflict a grievous injury (fracture on RT mandible) on a fellow recruitee. When charges were framed against the petitioner, the petitioner did not plead any mitigating circumstance. On the other hand, he pleaded guilty. Once the petitioner pleaded guilty, the authority was left with the discretion to award an appropriate sentence. The learned



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Deputy Solicitor General of India would contend that considering the nature of act committed by the petitioner, he could have been sentenced to a term of imprisonment. The authorities did not do so. They took a lenient view and chose to restrict the punishment of dismissing the writ petitioner from service. Of course, when an accused pleads guilty and if the sentence is disproportionate, there can be definitely a judicial review of the same. But we have to bear in mind that we are concerned with the maintenance of military discipline. The considerations are different. Therefore, the petitioner's appeal was dismissed and the Tribunal also did not deem it fit to interfere with the punishment imposed on the petitioner. In exercise of judicial review, we did not find any sufficient ground to interfere in favour of the petitioner. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
01.06.2026

NCC : Yes/No
Index : Yes / No
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and
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