

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI**

O.A.(Appeal) No. 70 of 2014

Monday, the 28<sup>th</sup> day of September, 2015

The Honourable Justice V.Periya Karuppiah  
(Member-Judicial)

and

The Honourable Lt Gen K Surendra Nath  
(Member-Administrative)

Ex LAC (No.762053) A Soundarasamy

Elect Fit of IAF

S/o A Soundarssamy

Door No.10, Elayangudi Road, Thennangudi, Sellur (PO)

Thirunallar (via), Karaikal, PIN: 609607

...Applicant

*[Rank amended vide order of this Tribunal dated 13.02.2015 made in MA No.03 of 2015 in OA(A) No.70 of 2014]*

By Legal Practitioners:

M/s R Arumugam, K Perumal, Z.A.Khan

vs

1. Chief of Air Staff  
Indian Air Force  
Air Headquarters (Vayu Bhavan), Rafi Marg  
New Delhi – 110 016
2. Air Officer Commanding in-Chief and Confirming Authority  
HQ, EAC, C/o 99 APO
3. Air Officer Commanding  
No.5 Wing AF, C/o 99 APO
4. Union of India rep. by Secretary to Government  
Ministry of Defence, New Delhi

...Respondents

Mr.G.Venkatesan, CGC

**ORDER**

[Order of the Tribunal made by  
Hon'ble Lt Gen K Surendra Nath, Member (Administrative)]

The applicant Ex Lac Amarnath Soundarasamy has filed this OA requesting for setting aside the order of the District Court Martial dated 24.08.2012 and further confirmation by 2<sup>nd</sup> respondent dated 15.11.2012 and the order passed by the 1<sup>st</sup> respondent dated 11.03.14 and consequently convert the dismissal order into discharge of the applicant from service with all attendant benefits.

2. Briefly, the applicant states that he was enrolled in the Air Force on 14.07.1992 in Electrical Fitter Trade and that he married Ms.Angayarkanni alias Anju, on 04.02.2001. The applicant states that as his wife did not like the service environment and way of living and its conditions, they had marital disputes. She had filed matrimonial suit for divorce before the Sub Court at Trichy and she was granted *ex parte* decree on 05.03.2008. The applicant would state that due to these problems he had applied for discharge from service in July 2008. However, the competent authority rejected his application due to manning constraints in the Electrical Fitter trade. Thereafter, on his request, he was given a posting to No.1 (E) Air Fly Squadron, Pondicherry against the vacancy of Instrument Fitter trade as there is no vacancy in his own trade. Subsequently, he had put up an application for discharge on compassionate grounds on 17.09.2009 and again on 15.01.2010. However, in the meantime, the Group Headquarters, Pondicherry took a posting out as the Trade was not available in the authorization of the unit and he was attached to Air Force Station, Tambaram. His request for cancellation of attachment to AF Tambaram was not accepted and he received posting to 22 Sqn AF, Hashimara and

for a second consecutive tenure. Even though he had asked for interview with Chief of Air Staff, it was not granted to him. He had approached the Hon'ble High Court, Madras under WP No.5805/10 and subsequently a writ appeal filed against the adverse order passed in W.A. in 644/10 for cancellation of posting. However, the appeal was also dismissed. He was then asked to proceed on posting on 02.06.2010. The applicant states that he had lost his warrant and movement order and hence he did not proceed. He also alleges that he was not paid salary and allowances for 7 months and, therefore, even though he had asked for fresh warrants to be issued nobody heard his case and, therefore, being desperate he decided to pursue his matrimonial case. He lost the case before the Principal Sub Judge, Trichy. The applicant states that he finally reported to 22 Sqn AF on his own accord on 30.07.2012. He would state that he was tried by District Court Martial for being absent without leave and the District Court Martial found him guilty under the Air Force Act Section 39 (a) and convicted him to following punishments : (i) RI for 5 months; (ii) to be dismissed from service; and (iii) to be reduced to the ranks. The applicant would state that the charge framed under the Army Act Section 39(a) were inappropriate and even though he pointed out the same, the Court overruled it and continued with the proceedings of the District Court Martial and that the District Court Martial was assembled at the Briefing Hall of the Base Operations which is a highly secured area which does not give access to public and therefore is not an open Court. Further, even though he filed an application under Air Force Act Section 161 (1) to confirm authorization and subsequently also submitted additional grounds on the same, he did not receive confirmation for a month. He was in Air Force custody throughout the period pending confirmation and consequent to the order passed by the 2<sup>nd</sup> respondent, he was released on 15.11.2012. He would state that relevant

rules were not followed and hence the proceedings of the District Court Martial and confirmation are not only vitiated and are also not sustainable in the eye of law and the same is liable to be set aside by the Hon'ble Tribunal. Further, the applicant would state that the District Court Martial did not follow proper procedures of obtaining signatures of witnesses who deposed before the Court and that the punishment awarded was grossly disproportionate as the District Court Martial as well as Confirming Authority have failed to consider the fact that he had moved on compassionate grounds for posting and the compelling circumstances for his absence ought to have been taken into consideration. In view of the foregoing, the applicant requests to call for the records of the District Court Martial held on 24.08.2012 and subsequent dates and orders of the Confirming Authority dated 15.11.2012 and subsequent order of the Appellate Authority dated 16.12.2013 and consequently convert the dismissal into discharge with all attendant benefits.

3. The respondents, in their reply statement, would state that the applicant was enrolled in the Air Force on 14.07.1992 and promoted to the rank of Acting (Paid) Sgt from 01 February 2006. He was posted to 22 Sqn Air Force from No.1 P Air Force Sqn (Fly NCC), Puducherry w.e.f. 12.04.2010. He was routed on posting on 02.06.2010 but he did not report to the new duty station. Accordingly, he was declared a deserter with effect from 09.06.2010. Subsequently, his discharge order was issued on 16.05.2011 specifying his date of discharge to be 31.07.2012 on grounds of expiry of regular engagement under the provisions of Air Force Rules 1969, Chapter III Rule 15 Clause 2 (b). However, the applicant surrendered at 22 AF Sqn on 30.07.2012 at about 1245 hrs after an absence of 783 days. He was charged under Section 39 (a) of the Air Force Act 1950 for absenting himself without leave and was tried by a District Court Martial for the said charge of absenting

without leave for 783 days. Even though he surrendered on his own accord one day prior to the due date of discharge from service on completion of his terms of engagement and since the disciplinary proceedings could not be completed by 31.07.2012, his discharge was kept in abeyance till the finalization of the disciplinary proceedings. They would further state that the DCM was conducted from 24.08.2012 and the applicant was found guilty by the DCM. They would further add that the applicant had 3 Red Ink entries earlier for the same offence of being absent without leave and 2 Black Ink entries and was given punishments of : (i) RI for 5 months; (ii) to be dismissed from service; and (iii) to be reduced to the ranks. The applicant submitted the pre-confirmation petition on 21 September 2012 under Section 161 (1) of Air Force Act 1950 and, thereafter, a supplementary reconfirmation petition dated 24.10.2012 which were duly considered by the appropriate authority. The findings regarding the sentence were confirmed and the competent authority, after remitting the unexpired portion of the RI, promulgated the same on 16.11.2012.

4. The respondents would further state that the applicant married Ms.Angayarkanni on 04.04.2001 and from the available records the Principal Subordinate Judge, Tiruchirapalli issued a decree dissolving his marriage with Ms.Angayarkanni on 05.03.2008. Even though the applicant had applied for discharge from service on compassionate grounds on 28.07.2008 this could not be approved by competent authority due to manning constraints in the Air Force. However, to assist the applicant, he was posted to NCC Sqn Pondicherry on 28.03.2009 against Instrument Fitter vacancy as there was no vacancy in Electrical Fitter Trade. Even though he had applied for discharge on compassionate grounds once again on 17.09.2009, this could not be again granted due to the manning

constraints in the Air Force. On a recommendation from Gp Commander, Puducherry, Group Hqs who had endorsed that the applicant was highly unsuitable to continue in the NCC, he was attached to Air Force Station, Tambaram pending posting. Accordingly, thereafter, he was posted to 22 Sqn Air Force with effect from 12.04.2010 on Mig 27 (Trade Proficiency Utilisation) on service requirements. He was again issued with Air Force Route Order to report to the new Unit on 02.06.2010; however, Instead of complying with the said posting order, he had filed a Writ Petition No.5805/10 before the Hon'ble Madras High Court and again another Writ Appeal No.644/10 which were dismissed by the Hon'ble Court. The applicant did not report to the new Unit but claimed that he had lost the Movement Order and Warrant. The applicant continued to remain absent without leave till he reported at 22 Sqn on 30.7.2012, i.e., one day before his scheduled discharge from service.

5. The respondents would plead that due process of convening the Court Martial were followed and the fact that the applicant was given an opportunity to defend himself by a legal practitioner of his choice, by name Mr. K.Perumal, Advocate. There were no infirmities in the procedures adopted by the District Court Martial and considering the fact that the applicant was a habitual offender and had 3 Red Ink entries prior to the DCM, the punishment meted out to the applicant is not disproportionate. In view of the foregoing, the respondents would pray that the application be dismissed being devoid of any merit.

6. We have heard the arguments of Mr.R.Arumugam and Mr.K.Perumal learned counsels for the applicant and Mr.G.Venkatesan, learned Central Government Counsel, assisted by JWO H.Singh, Legal Cell, Air Force, appearing on behalf of respondents and perused all the documents placed before us.

7. Flowing from the pleadings above, the following questions emerge:

- (i) *Whether the District Court Martial proceedings was conducted as per rules and procedures contemplated in law?*
- (ii) *Whether the verdict and punishment awarded to the applicant are liable to be set aside, if not, is the punishment commensurate to the offence committed; &*
- (iii) *What relief, if any, the applicant is entitled to?*

8. Points 1, 2 and 3: The fact that the applicant was enrolled in the Air Force on 14.07.1992 and that he had been posted to 22 Sqn AF on 02.06.2010 and that he reported to the said unit on 30.07.2012 after a period of 783 days and that he was tried by the District Court Martial (DCM) for the absence under Section 39 (a) of Air Force Act and was found guilty and given punishments of (i) RI for 5 months; (ii) Dismissal from service; & (iii) reduced to ranks and that the Confirming Authority subsequently reduced the RI by remitting the unexpired portion, are not disputed.

9. The learned counsel for the applicant would plead that the DCM was not conducted in a proper manner and the charges framed under Section 39 (a) of Air Force Act was inappropriate and the DCM was conducted in a highly secured area and was not accessible to general public and that the punishment given to the applicant was severe in nature and disproportionate to the offence committed.

10. Per contra, the respondents would state that the applicant was posted to 22 Sqn Air Force on 02.06.2010 and he did not report to the duty station. Hence he was declared a deserter from 09.06.2010. The applicant surrendered at 22 AF Sqn on 30.07.2012 after an absence of 783 days. Therefore, charging him under section 39 (a) of the Air Force Act for absenting without leave is justified even though the applicant was to be discharged on completion of his regular terms of engagement on

31.07.2012. However, he reported one day prior to that day on his own accord. The Summary of Evidence (SoE) and the District Court Martial (DCM) proceedings were recorded in accordance with the Air Force regulations and the applicant was provided full opportunity to present his case before the SoE and the DCM. The DCM found the applicant guilty of the said charges. The applicant was a habitual offender and had already received 3 Red Ink entries prior to the DCM and, therefore, the punishment given, i.e., 5 months RI, dismissal from service and reduction in rank were justified. However, the Confirming Authority had remitted the unexpired portion of the punishment of RI.

11. The learned counsel for the respondents would rebut the claim of the applicant that the DCM was conducted in a restricted area and aver that the notice regarding conduct of the DCM was published in the Station Orders well in advance on 22.08.2012 and that nobody was denied access to attend the DCM. Further, the applicant had not communicated in any manner, the presence of anyone on his behalf who wanted to witness the proceedings, being denied entry. Further, the applicant had engaged Mr.K.Perumal, Advocate as his defence counsel before the DCM.

12. We have examined the proceedings of the DCM and other documents placed before us. The applicant was charged under Section 39 (a) of Air Force Act 1950. The charge sheet reads as under:

**CHARGE SHEET**

*The accused, 762053 Corporal (Acting Sergeant) Amarnath Soundarasamy Elect Fit of 22 Squadron, Air Force attached to 5 Wing, Air Force, an airman of the regular Air Force, is charged with:-*



Section 39(a)  
AF Act, 1950

**ABSENTING HIMSELF WITHOUT LEAVE**

*in that he,*

*having been routed on posting from 1 (P) Air Squadron NCC on 02 Jun10 requiring him to report at 22 Squadron, Air Force on 09 Jun 10, did not so report, but absented himself without leave until he surrendered himself to 671886 Warrant Officer Shyam Narain Clk GD of 22 Squadron, Air Force on 30 Jul 12 at about 1245 hrs.*

Place: AF Stn Kalaikunda  
Date: 17 Aug 12

Sd. (R Radhish)  
Air Commodore  
Air Officer Commanding  
5 Wing, Air Force

**TO BE TRIED BY DISTRICT COURT MARTIAL**

Place: Shillong  
Date 19 Aug 12

Sd.(A.Pandit)  
Squadron Leader  
Command Discipline Officer  
For Air Marshal  
Air Officer Commanding-in-Chief  
Eastern Air Command, Indian Air Force

13. In leading the evidence, prosecution produced two witnesses. The prosecution witness No.1 (PW-1) Warrant Officer Shyam Narain Clk GD of 22 Sqn AF would state that the applicant reported for duty on 30.07.2012 around 1245 hrs and that on checking his Identity Card he was found to be the same person who was absent for 2 years, 10 months and 22 days and 11 hrs, based on the movement order issued to the applicant dated 02.06.2010. In support of his statement he produced the "Movement Order" of 02 September 2010 (Exhibit N), Declaration of the applicant as Deserter with effect from 09 July 2010 (Exhibit 'O') and Surrender Certificate showing the applicant had surrendered himself on 30.07.2012 (Exhibit 'P').

14. Prosecution Witness No.2 (PW-2) Sgt Ommenkuttan in his statement confirmed that the applicant had reported to Warrant Officer Shyam Narain in his presence on 30 July 2012. He also stated that the applicant had not communicated with any person at 22 AF Sqn, during the period of his absence without leave.

15. On completion of the examination of Prosecution Witnesses 1 & 2, the applicant had filed a plea of 'No Case' stating that charges filed against him under Section 39 (a) of the Air Force Act as incorrect and that, utmost, he can be charged with undue time taken for reporting to the unit and, therefore, charging him under section 39 (a) of Air Force Act is not proper and applicable.

16. The Court, after examining the counter filed by the Prosecutor and the advice of the Judge Advocate, overruled the plea of 'No Case' and subject to confirmation by the confirming authority proceeded with the trial.

17. The applicant, in his defence, would state that while he was posted in 22 Sqn AF, Hashimara from 2002 to 2004, he had marital discord with his wife for which he had filed a matrimonial suit in Alipurduar in February 2004 and, thereafter, he was posted to Nasik where he was stationed till April 2009. However, he could not prosecute the said suit and, therefore, it was dismissed for non-prosecution. In the meanwhile, his wife had filed a divorce petition before the Hon'ble Principal Sub Court at Trichy which passed an *ex parte* decree in favour of his wife for non-appearance and for not filing counter. He would state that he had filed for discharge from service in July 2008 and at that time, instead of discharge, he was given posting to No.1 Puducherry AF Sqn (NCC) and, in the meantime, his appeal against the *ex parte* decree was also dismissed. He would state that even though he had explained his problems to the Commanding Officer. he did not get any support from

the Unit and, consequently, put up a discharge application in September 2008. He was, thereafter, attached to Air Force Station, Tambaram from 01.03.2009 to 31.03.2010 and even though he had sought interview with superior officers including the Chief of Air Staff, he was not given an opportunity. He had then applied for cancellation of posting to 22 AF Sqn. This was also not acceded to. He would state that he had approached the Hon'ble High Court of Madras to cancel the said posting. However, his plea was dismissed and a Writ Appeal filed against that order before Division Bench of the Hon'ble High Court of Madras was also dismissed. He would state that he was not receiving salary for several months and when he reported to 1 Puducherry AF Sqn on 02.06.2010, he was asked to report back to the new unit and he was given a movement order and pre-railway warrant which he states he had lost. The applicant states that in such circumstances, he had no other choice except to pursue the matrimonial case with the Hon'ble High Court of Madras, Madurai Bench and, thereafter, Principal Subordinate Judge at Trichy. He would state that the application filed by his wife for divorce was allowed with costs and the counter claim made by him for restitution rights and visitation rights was also dismissed with costs. He would further state that he had filed another appeal on 16.05.2012 and only thereafter he could think of the service and decided to rejoin on his own accord on 30.07.2012. He would state that he, no doubt, took undue time to complete his journey to report to the unit which was unavoidable and beyond his control.

18. Further, he would also admit that he was aware of the fact that he was due to retire on completion of his terms of engagement on 31.07.2012, i.e., one day after his date of surrender. However, he insisted that he voluntarily reported back on 30.07.2012 only because his appeal was admitted in the Trichy District Court and the presence of the party is not mandatory at that stage.

19. On cross-examination, the applicant would agree that he was informed by the Unit well in time regarding his posting to 22 Sqn AF and that when he was attached to Air Force Station Tambaram, he visited Puducherry, his unit, at least on 3 occasions and had access to his Pay Book and that even though he was issued with clearance form on two earlier occasions, he did not complete the formalities but instead became AWL. He would also concede that he became AWL because of “my (his) court cases and legal commitments”.

20. In his defence, the applicant called Wg Cdr (Retd) S.K.Singh (DW-1) who stated that he was aware that the applicant had come on compassionate posting and the applicant had informed him that he had been fighting for the custody of his child. The Defence Witness No.1 would also state that the applicant was not denied leave and on many occasions he was granted leave on verbal requests also. The applicant had absented himself without leave when he was required to take Cadets to Jammu. Considering the circumstances, the absence was regularized into leave. He would also state that the applicant had applied for discharge on 17.09.2009.

21. Defence Witness No.2, Wg Cdr B.B.Tugniat would state that the No.1 Air Sqn ( Fly NCC) at Puducherry was a very small establishment with 10 – 12 Air Warriors and he would state that he was aware that the applicant was fighting a case in a Court and that he had applied for discharge. He was subsequently attached to Air Force Station Tambaram and, thereafter, his posting was received for 22 Sqn AF. Instead, the applicant had put up a discharge application dated 15 January 2010 and an application for cancellation of his posting to 22 AF Sqn on 22 February 2010. He would also state that the applicant was absent without leave from 07.04.2010 to 04.05.2010 and then again from 05.05.2010 to 02.06.2010. He gave the reason for his absence as sickness in the family. Finally the same day, he was routed to 22

Sqn, AF, his unit, *vide* Movement Order dated 02.06.2010. On cross-examination by the Court, he also stated that the applicant was given a warning letter (Exhibit "AP") for repeatedly absenting himself without leave..

22. The DCM found the applicant guilty of the said charge and in support of its findings, it had relied both on documentary evidence, namely, "Movement Order" dated 02.06.2010 issued to him and the Surrender Certificate produced by PW I wherein it had been clearly mentioned that the applicant had surrendered himself on 30.07.2012 at 1245 hrs in the presence of PW 1 and PW 2. It also relied on evidence of PW I and PW II that the accused was neither granted any leave of absence nor had he asked for it and the fact that he did not communicate with anyone in the new unit to which he was posted to, during the period of absence.

23. Consequent to the pronouncement that the applicant was guilty as charged, the applicant filed a plea in mitigation of the punishment in which the applicant had stated that his absence without leave was only due to unavoidable circumstances and that since the period of engagement expired on 31.07.2012, he was not willing for further extension of service. He had also tendered his unconditional apologies before the DCM and had asked them for taking a lenient view. The DCM gave the following sentences to the applicant : (i) Ri for 5 months; (ii) to be dismissed from service; & (iii) reduction to ranks.

24. We have examined the proceedings of the DCM. We find no infirmity in the proceedings of the said Court Martial. The applicant and his counsel were present throughout the proceedings and were given adequate opportunities to cross-examine both the prosecution as well as the defence witnesses. The accused also made unsworn statement dated 12 September 2012 and a sworn statement dated 13

September 2012 stating that his absence was due to unavoidable circumstances. The charge of absence without leave under section 39 (a) of Air Force Act has been proved beyond doubt and the applicant has not been able to offer any substantive reasons for absenting himself without leave for 783 days and not communicating with any member of his new Unit, i.e., 22 AF Sqn during his absence. The reasons given by him stating that he was involved in filing an appeal in Court for custody of his daughter is not a sufficient reason for absence without leave for such a long period of over two years. Therefore, we are inclined to agree with the findings of the DCM that the applicant is guilty of the charge of absenting himself without leave under Section 39(a) of the Air Force Act. At the time of his punishment, the applicant had 20 years, 2 months and 2 days of service including non-qualifying service. The conduct sheet shows that the applicant had already received 3 Red Ink entries. Another charge of absence without leave was regularized by giving him Annual Leave. We also observe that the conduct of the applicant since the time he was posted to the 1 Pondicherry AF Sqn (NCC) has also not been satisfactory.

25. However, some mitigating circumstances could be attracted. The fact that the applicant was involved in a matrimonial dispute with a divorce case filed by his wife and, secondly, his appeal in Sub Court Trichy for the custody of his daughter. The applicant had also asked for discharge from service on two occasions. However, this was not granted due to shortage of manpower in his trade in the Air Force.

26. The applicant, in his pleadings before this Tribunal, had pleaded that he had already completed pensionable service and that he had aged parents to look after and is also willing to support his daughter and that the punishment of dismissal from service is unduly harsh and would also adversely affect the lives of his aged parents and his daughter. Further, he has filed an Affidavit before us to give 25% of his

monthly pension as well as other pensionary benefits for the welfare of his daughter, in the event of the Hon'ble Tribunal remitting his punishment to that of Discharge from Service. Consequent to the applicant's appeal, the Confirming Authority has remitted balance portion of unexpired portion of the sentence of RI. In the result, the applicant had already undergone the punishment of Rigorous Imprisonment to the extent of 60 days and has also been reduced to ranks. The applicant, at the time of his dismissal from service was about 38 years of age and would now be approximately 41 years of age. He is relatively young and we feel that an opportunity ought to be given to him in order to assimilate himself into the society. The punishment of "dismissal from service" and "discharge from service" have the same effect except for the fact that dismissal is a harsher punishment and a discharge from service will enable him to secure a job and honourably assimilate in the civil society. Therefore, considering the mitigating circumstances, family commitments and the fact that the applicant has committed to look after his daughter who is now 13 years of age, we are inclined to remit the punishment of dismissal from service into discharge from service. He shall be entitled to pension, gratuity and other service benefits if otherwise eligible.

27. In accordance with the undertaking given by the applicant in his Affidavit dated 24.09.2015, we direct that 25% of the monthly pension, as entitled, shall be remitted directly by the PCDA (P) to an account, in the name of his daughter, Ms.A.Sum, especially opened for that purpose. However, the 25% of the arrears of pension and other benefits including gratuity, Provident Fund, AFGIF, DCRG and leave encashment etc. shall be deposited in the name of his daughter, Ms.A.Sum, showing her mother Smt. Angayarkanni as guardian, in a Re-Investment Scheme Fixed Deposit, in a nationalized bank. It shall not be withdrawn till the daughter

attains the age of majority. The said 25% part of the pension shall continue to be remitted to the said account till the marriage of his daughter, Ms.A.Sum. An endorsement shall be made to this effect in the PPO to be issued by the respondents.

28. Arrears shall be paid to the applicant with the above-mentioned provisos within 3 months from the date of this order after deducting dues from the applicant, if any. Failing to do so, an interest of 9% per annum shall be payable by the respondents.

29. Record of the Affidavit filed by the applicant dated 24.09.2015 shall be appended to this order.

30. The O.A. is allowed to that extent with the above directions. No costs.

Sd/-

Lt Gen K Surendra Nath  
Member (Administrative)

Sd/-

Justice V.Periya Karuppiah  
Member (Judicial)

28.09.2015  
[True copy]

**Member (J)** – Index : Yes/No

Internet : Yes/No

**Member (A)** – Index : Yes/No  
*ap*

Internet : Yes/No



To

1. Chief of Air Staff  
Indian Air Force  
Air Headquarters (Vayu Bhavan), Rafi Marg  
New Delhi – 110 016
2. Air Officer Commanding in-Chief and Confirming Authority  
HQ, EAC, C/o 99 APO
3. Air Officer Commanding  
No.5 Wing AF, C/o 99 APO
4. Secretary to Government  
Ministry of Defence, New Delhi
5. M/s R.Arumugam, K. Perumal and Z.A.Khan  
Counsel for the applicant
6. Ms.A.Sum  
D/o Smt.Angayarkanni  
No.17, Kamaraj Street, Senthanneerpuram  
Tiruchirappalli
7. Mr.G.Venkatesan, CGC  
Counsel for respondents
8. Officer in-Charge  
Legal Cell, Air Force, Chennai
9. Library, AFT, RB, Chennai.

Hon'ble Justice V.Periya Karuppiah  
(Member-Judicial)

and

Hon'ble Lt Gen K Surendra Nath  
(Member-Administrative)

O.A.(A)No.70 of 2014

28.09.2015

BEFORE THE HON'BLE ARMED FORCES TRIBUNAL

BENCH AT CHENNAI

O.A.(Appeal) No.70 / 2014

Amarnath Soundarasamy	-	Applicant
vs		
Uol & Others	-	Respondents

SUPPORTING AFFIDAVIT

I, Amarnath Soundarasamy, S/o Soundarasamy, Hindu, aged 41 years, residing at No.10, Elayangudi Road, Thennangudi, Sellur, Thirunallar, Pondy- 609607, now come down before this Hon'ble Tribunal do hereby solemnly affirm and sincerely state as follows:

1. I am the appellant herein and as such I am well acquainted with the facts of this case.
2. I am filing this supporting affidavit for this Hon'ble Court to take a lenient view in this appeal. I submit that I am duly bound to maintain my daughter (minor) who is in the custody of my divorced wife. I state that I am willing to pay 25% of my Pension and other amounts due, in the event of me succeeding in the appeal till my daughter's marriage.
3. I pray this Hon'ble Tribunal to protect the misuse of the above money by some other persons till she attain the age of majority.

In the above circumstances, it is prayed that this Hon'ble Tribunal may be pleased to take a lenient view and allow the appeal and thus render justice.

Solemnly affirm at

Chennai this 24<sup>th</sup>

Day of Sept 2015 and

signed in my presence.

Sd/-

(AMARNATH SOUNDRASAMY)

Before me,

Sd/-

K.Perumal  
Advocate  
Counsel for the Applicant

Sd/-

Tonifia Miranda  
Enr AP 1307/A/1996