

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

**APPLICATION No. O.A. No. 44/2013**

|                                      |                                    |
|--------------------------------------|------------------------------------|
| APPLICANT (S)                        | Col. P C Jena                      |
| RESPONDENT (S)                       | Union of India & 4 Others          |
| Legal Practitioner for Applicant (s) | Legal practitioner for Respondents |
| Major General (Retd.) S K Choudhury  | Mr. Sandip Kumar Bhattacharyya     |

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| <b><u>ORDERS OF THE TRIBUNAL</u></b> |   |
|                                      | <div style="display: flex; justify-content: space-between;"> <div><u>Order Serial Number:</u> 2</div> <div>Dated : 25.07.2013</div> </div>  |
|                                      | <p>Major General (Retd.) S K Choudhury, learned counsel appears for the applicant. The applicant is also present in person. Mr. Sandip Kumar Bhattacharyya, learned counsel appears for the respondents.</p> <p>The applicant has submitted a supplementary affidavit with some facts claiming that the aspect with regard to the earlier statutory complaint that was filed on 02.01.1998 and another statutory complaint that was filed on 12.09.2012 but with different reasons. This aspect has been clarified by the applicant in the ibid supplementary affidavit that was filed on 11.07.2013. We however noticed from the ibid purported supplementary affidavit that the heading in the cause title does not indicate that this is indeed a supplementary affidavit connected with OANo. 44/2013. This is an important aspect of filing and it has not been properly done by the learned counsel for the applicant nor it has been duly scrutinized by the Judicial Section of this Tribunal. Further we also find that Mr. Bhattacharyya has pointed out that the supplementary affidavit has not been drafted and filed in correct format. Mr. Choudhury apologies for this mistake since he is new in this profession and he prays that this supplementary affidavit be accepted as a special case and he undertakes that such mistake would not occur in future. As a special case, for the sake of justice, we allow this supplementary affidavit and let it be accepted. Copy of this affidavit has also been served upon Mr. Bhattacharyya.</p> |

Mr. Bhattacharyya prays for three weeks' time to file their affidavit-in-opposition to this supplementary affidavit as well as to the original application (OA). He further prays that the point of maintainability be kept open.

Under such circumstances, let the OA be admitted while keeping the point of maintainability open for the respondents to submit their views in this regard through their A/O. Mr. Choudhury prays for two weeks' time upon receipt of the A/O to file the affidavit-in-reply to the A/O on behalf of the applicant and such prayer stands allowed .

Let the matter appear for further order on 17.09.2013.

(Lt Gen K.P.D. Samanta)  
Member (Administrative)

(Justice Raghunath Ray )  
Member ( Judicial )