

FORM NO – 4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No : O.A. 86 of 2012

APPLICANT (S)	Rajendra Nath Gharai
RESPONDENT (S)	<u>Union of India & 3 Ors</u>
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
Mr. Suman Basu	Mr. Souvik Nandy

NOTES OF THE REGISTRY	<u>ORDERS OF THE TRIBUNAL</u>	
	Order Sl. No. : 9	Dated : 27.09.2013
	<p>Mr. suman Basu, Id. adv. appears for the applicant. Mr. Souvik Nandy, Id. adv. appears on behalf of the respondents. We have heard Id. advocates for both sides.</p> <p>As per compliance report filed by Mr. Souvik Nandy, Id. adv. for the respondents, we find that the prayer of the applicant with regard to full pension and other related pensionary benefits, as has been made in para 8(i) of the OA, has been fully met and no further grievance exists in this regard. Mr. Basu, Id. adv. for the applicant has also confirmed that the applicant is in receipt of his pension. So far as prayer made in para 8(ii) is concerned, it has already been complied with by the respondents.</p> <p>As regards the prayer made in para 8(iii), we find that such prayer is not entertainable since it is not within the competence of this Tribunal to direct initiation of prosecution against the persons who have not even been named in the OA.</p> <p>So far as prayer for cost is concerned, considering the facts and circumstances of the case, we are not inclined to award any cost against the respondents.</p>	

In view of the above, the application stands partially allowed with regard to his prayer made in para 8(i) and (ii), as indicated above.

Let a plain copy of this order duly countersigned by the Tribunal Officer be furnished to both sides on observance of due procedure.

(LT. GEN K.P.D.SAMANTA)
MEMBER(A)

(JUSTICE RAGHUNATH RAY)
MEMBER(J)