

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

APPLICATION No. T.A No. 17/2012

APPLICANT (S)	Dayanidhi Mahapatra
RESPONDENT (S)	Director, PS-4, AG's Branch & 2 Others
Legal Practitioner for Applicant (s)	Legal practitioner for Respondents
Mr. Mahesh Prasad	None

<u>ORDERS OF THE TRIBUNAL</u>	
<u>Order Serial Number:</u> 17/2012	<u>Dated :</u> 04.12.2013
<p>Mr. Mahesh Prasad, learned counsel appears on behalf of the applicant. The applicant is also present in person. No counsel appears for the respondents. However, Lt. Col. Anil Chandra, OIC, Legal Cell HQ Bengal Area appearing for the respondents submits that their counsel Mr. B K Das could not attend the court this day on the ground of his health problem and therefore, he prays for an adjournment.</p> <p>We, however, observe from the records that certain aspects of the pleading are yet to be completed. They are:-</p> <p>(a) The copy of the supplementary affidavit (S/A) filed by the applicant on 18.04.2013 praying for amendment in the cause title of the application should also be filed with the Second Judge's brief. The learned counsel for the applicant is, therefore, directed to furnish such copy of the supplementary affidavit for the Second Judge's brief.</p> <p>(b) The affidavit in opposition (A/O) to such prayer in the supplementary affidavit of the applicant, if any, should be filed by the respondents within two weeks from this date. In case the same has already been submitted, then that should be incorporated in the briefs maintained with the case records.</p>	

(c) The affidavit-in-reply to such A/O of the respondents to the S/A of the applicant relating to cause title amendment shall be filed by the applicant within two weeks from the date of receipt of the A/O in case the same has not been filed till date. In case, however, it has already been filed, the same should be incorporated in the brief maintained with the case records.

These aspects of pleading relating to amendment to cause title are very vital because the necessary parties such as Union of India and Chief of Army Staff are not included as party respondents in the original writ petition and without them, the application is not maintainable before this Tribunal.

In view of the above, let the matter be taken off the hearing list and be listed under the heading 'further order' on 10.02.2014.

To 10.02.2014 for further order.

A plain copy of the order, duly countersigned by the Tribunal Officer, be given to the parties upon observance of all usual formalities.

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

(Justice Raghunath Ray)
Member (Judicial)