

**FORM NO – 4**

**(SEE RULE 11 (1))**

**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA**

**ORDER SHEET**

**APPLICATION No : T A 5/2013**

APPLICANT (S)	Major Gen. S.K.Choudhury
RESPONDENT (S)	<u>Union of India &amp; 3 Ors</u>
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
In person	Mr. Mintu Kumar Goswami (Res. 1-3)

NOTES OF THE REGISTRY	<b><u>ORDERS OF THE TRIBUNAL</u></b> Order Sl. No. : <u>3</u> Dated : <u>09.01.2014</u>
	<p>Major Gen. S.K.choudhury, applicant herein is present in person. Mr. Mintu Kr. Goswami, Id. adv. appears on behalf of respondents 1 to 3. None is present on behalf of respondent No. 4. We are of the view that respondent No. 4 is a necessary party in this case and any decision in the matter taken behind his back may affect his interest since his career prospects and pensionary benefits may be affected directly. Therefore, his presence, either in person or through any authorized advocate is considered essential.</p> <p>We direct the Id. Registrar to cause service of notice once again upon respondent No. 4 at his given address by registered post with A/D along with a copy of this application as also a copy of this order, asking him to be present either personally or through his authorized advocate on the next date.</p> <p>Mr. Mintu Kr. Goswami, Id. adv. for the respondents 1-3 submits that the MS Branch representative could not be present today along with the relevant records, in the absence of which the matter cannot be effectively adjudicated upon. For this purpose, Mr. Goswami prays for an adjournment. We, however,</p>

make it very clear that today's date was fixed only after getting assurance from the respondents that MS Branch representative along with the relevant records would be present on this date. We do not understand as to why he has failed to appear today delaying the matter unnecessarily. Such high handed attitude of the MS branch is not at all appreciated and must be communicated to the MS Branch by the OIC, Legal Cell, HQ, Bengal Area personally. Be that as it may, for the sake of justice, let the matter be adjourned to 27.3.14 on which date the MS Branch representative must be present along with relevant records.

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

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

(JUSTICE RAGHUNATH RAY)  
MEMBER(J)