

**FORM NO – 4**

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

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

**ORDER SHEET**

**APPLICATION No : T A 22/2011**

APPLICANT (S)

Anil Kumar Mishra

RESPONDENT (S)

The Addl. Directorate General, Personnel  
Services, Army HQ & 3 Ors

Legal Practitioner of applicant

Legal Practitioner for Respondent (s)

Maj Gen. S.K.Choudhury/Mr. Aniruddha Dutta    Mr. S.K.Bhattacharyya

NOTES OF THE REGISTRY	<b><u>ORDERS OF THE TRIBUNAL</u></b>
	Order Sl. No. : <u>9</u> Dated : <u>10.01.2014</u>
	<p>Maj Gen (Retd.) S.K.Choudhury, Id. adv. on record for the applicant is present. Mr. Aniruddha Dutta, Id. adv. has also filed a separate vokatnama to represent the applicant after obtaining necessary no objection from the previous Id. adv. for the applicant, Mrs. Maitrayee Trivedi Dasgupta. Let it be accepted and kept with the record. Mr. S.K.Bhattacharyya, Id. adv. is present on behalf of the respondents 1 to 4.</p> <p>It appears from the record that MA 50 of 2013 arising out of the ibid TA 22/11 was allowed by us by which addition of three necessary patties were made to the cause title of the TA as respondent Nos. 5, 6 and 7. We find from the records that the cause title page of the petition has been amended by the office based on our order dt. 27.8.13. However, such amendment does not appear in the brief that is held by Mr. S.K.Bhattacharyya, Id. adv. for the respondents. Maj. Gen. Choudhury undertakes to submit the amended page of the cause title of the TA to Mr. Bhattacharyya within a week.</p> <p>After having added the new respondents to the TA, Maj Gen.</p>

Choudhury has served copy of the application upon them and to that extent he has also filed an affidavit of service which is on record. It appears that service has been duly made and such newly added respondents have already received the copy of the application. However, Mr. Bhattacharyya does not have any instruction to represent the newly added respondents till date nor is he aware whether copy was served upon them or not. Although it is the duty of the newly added respondents to engage counsel to represent them and provide a copy of the application to their counsel; for the sake of justice and to avoid delay, we direct Maj Gen. Choudhury to furnish a copy of the application with the amended cause title to Mr. Bhattacharyya within a week from this date.

We find from the records that the counter affidavit was already filed by the respondents before the Hon'ble Orissa High court before the case was transferred to this Tribunal. Mr. Bhattacharyya, however, submits that he would file additional counter affidavit on behalf of the newly added respondents who are very vital since they are UOI, Chief of Army Staff and PCDA(P). He is at liberty to file such additional counter affidavit within four weeks from today, as prayed for. Upon receipt of the same, Maj. Gen. Choudhury may file additional reply to such additional counter affidavit within two weeks thereafter. Mr. Bhattacharyya undertakes to file memo of appearance on behalf of the newly added respondents by next date.

We find that the original documents have already been filed in this case and are in the custody of the Registry. The said documents have already been inspected by the Id. adv. for the applicant. As prayed for, Mr. Bhattacharyya is at liberty to inspect the documents after observing necessary formalities.

Let the matter be adjourned to 31.3.14 for hearing.

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

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

(JUSTICE RAGHUNATH RAY)  
MEMBER(J)