

FORM NO – 4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No : O A 53/2013

APPLICANT (S)

Ex. Hony. Nb Sub Kamal Kumar Ghosh

RESPONDENT (S)

Union of India & 5 Ors

Legal Practitioner of applicant

Legal Practitioner for Respondent (s)

Mr. S.K.Choudhury

Mr. B.K.Das

NOTES OF THE REGISTRY	<u>ORDERS OF THE TRIBUNAL</u> Order Sl. No. : 6 Dated : 07.03.2014
	<p>Mr. S.K.Chaudhuri, Id. adv. for the applicant is present. Mr. B.K.Das, Id. adv. is present on behalf of the respondents. Vide our order dt. 26.2.14, it appears that the matter was argued at length by both sides and hearing was concluded. However, today has been fixed for production of a letter dt. 5.3.2009 by the respondents, details of which have been Included in our order dt. 26.2.14. Despite our clear instruction, the respondents have failed to cause production of this policy letter which is a vital communication for us to adjudicate the case properly. Be that as it may, in case the said letter is not made available to this Court we will be inclined to draw adverse inference against the respondents for withholding information because this letter has been referred to by the respondents themselves in their letter dt. 9.1.13. Therefore, such action of the respondents is not at all appreciated. However, Lt. Col. Anil Chandra, OIC, Legal Cell, HQ, Bengal Area prays for one week more to obtain this letter and to produce the same before this Court. No objection is raised by Mr. Chaudhury, Id. adv. for the applicant, if the respondents are allowed one week for production of this letter.</p>

Under such circumstances, let the matter be fixed for further hearing on 18.3.14 for production of this document. We make it very clear that in case this letter is not produced on the next date, then apart from raising adverse inference against the respondents for withholding vital documents, appropriate costs will be imposed upon them for unnecessarily delaying the matter.

To 18.3.14 for further hearing for production of document.

Let a plain copy of the 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)