

Form No.4
 [(SEE RULE 11(1))]

IN THE ARMED FORCES TRIBUNAL:
 REGIONAL BENCH, KOLKATA

ORDER SHEET

O.A.No.30/2023
With M.A.No.15/2023

APPLICANT (S) : SUB AJAY KUMAR(RETD)
 :
 RESPONDENT (S) : UNION OF INDIA & OTHERS
 :
 Legal Practitioner of applicant (s) : Legal Practitioner for Respondent (s)
 :
 Mr.Dhiraj Kumar, Advocate : Mr. Ajay Chaubey, Advocate
 Mr.Tatsat Shukla, Advocate

<u>ORDERS OF THE TRIBUNAL</u>	
	Order Serial Number : Dated : 20-07-2023
	<p style="text-align: center;"><u>MA 15/2023</u></p> <p>Heard learned counsel on both sides on the point of delay.</p> <p>Keeping in view the averments made in the application and in the light of the decision in <i><u>Union of India and others Vs. Tarsem Singh</u></i> (2009(1) AISLJ 371), the delay in filing the OA is condoned. MA stands disposed of.</p> <p style="text-align: center;"><u>OA 30/2023</u></p> <p>We may record that on receipt of advance notice, learned counsel for the respondents has filed his affidavit in opposition today in Court and the same is taken on record.</p>

However, considering the fact that the issue has already been decided not only by various Benches of this Tribunal but also by the Hon'ble Supreme Court in the matter of *The Director (Admn and HR) KPTCL and Ors. Vs. C.P. Muddinamani and Ors.* (Civil Appeal No. 2471/2023 dated 11th April, 2023), for the present we dispose of this OA with the following directions:

(i) On the applicant's filing a representation along with a certified copy of this order and relevant particulars of the orders passed on the issue involved, respondents shall decide the same in accordance with law within a period of two months from the date of receipt of a copy of this order and communicate the decision to the applicant.

(ii) If still aggrieved, the applicant will have the liberty to seek revival of this OA in accordance with law.

In view of the above the OA stands disposed of.

LT GEN SHASHANK SHEKHAR MISHRA
HON'BLE MEMBER(A)

/vks/
OA 30/2023

JUSTICE ANJANA MISHRA
HON'BLE MEMBER(J)