

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA.

O.A. NO. 19/2020 with M.A. NO.79/2023.

Wednesday, the 3<sup>rd</sup> day of January 2024.

Binit Kumar Pathak. ... Applicant.

(Represented by Mr Bharat Bhusan and Ms Aparajita Ghosh, Advocates.)

-Vs-

Union of India and others. ... Respondents.

(Represented by Mr Ajay Chaubey, Advocate).

Coram.

JUSTICE DHARAM CHAND CHAUDHARY, MEMBER(JUDICIAL).

LT. GENERAL SHASHANK SHEKHAR MISHRA, MEMBER(ADMINISTRATION).

ORDER(ORAL).

JUSTICE DHARAM CHAND CHAUDHARY, MEMBER(JUDICIAL).

Heard.

(2) The application(MA No.79/2023) has been filed with a prayer to allow the applicant to withdraw O.A. with liberty reserved to file afresh, on the grounds inter alia that it is during the pendency of the OA that the representation made by the applicant has been rejected by the authorities and the applicant intends to challenge the order so passed.

(3) The prayer so made in the application is genuine as the rejection order now passed by the respondents needs to be challenged by the applicant so that the controversy can be adjudicated upon decided fully. The application is therefore allowed. Consequently, the applicant is permitted to withdraw the OA with liberty to file afresh on the same cause of action. The OA and this application both stand disposed of accordingly.

LT. GENERAL SHASHANK SHEKHAR MISHRA,  
MEMBER(ADMINISTRATION).

JUSTICE DHARAM CHAND CHAUDHARY,  
MEMBER(JUDICIAL).

Na/