

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

IN THE ARMED FORCES TRIBUNAL:
REGIONAL BENCH, KOLKATA

ORDER SHEET

O.A. No.179/2018

APPLICANT (S) : EX-RECT AYAN DAS
RESPONDENT (S) : UNION OF INDIA & OTHERS
Legal Practitioner of applicant (s) : Legal Practitioner for Respondent (s)
Mr.S.K.Choudhury, Advocate : Mr. Ajay Chaubey, Advocate

ORDERS OF THE TRIBUNAL

Order Serial Number :

Dated : 08-03-2024

Mr.S.K.Choudhury, learned counsel, appears on behalf of the applicant.
Mr. Ajay Chaubey, learned Sr.PC, is present.

In this application following order came to be passed on 28.02.2019:

“The applicant is present in person.

Heard the learned counsel for both the parties and the departmental representative.

By filling this O.A., the learned counsel for the applicant has also prayed for appropriate interim order for a fresh Medical Board for the applicant at the Command Hospital for the time if he is found medically fit for re-instatement in the service with all consequential benefits.

Counsel for the respondents has effected the notice today and they are praying for time to file counter-affidavit.

It appears from the O.A. that the statutory complaint filed by the applicant has not been disposed of by the respondents in spite of direction from Army Headquarters to the OIC BEG Records, vide letter dated 21 June 2018(Annexure A-5 of the O.A.).

Respondents are directed to dispose the statutory complaint filed by the applicant within a period of one month with reasoned and speaking order.

OIC, Legal Cell shall apprise the result of the same to this Tribunal on 14.05.2019 as well as to the applicant when the statutory complaint is disposed of.

List the matter as and when the next Division Bench re-assembles.

A plain copy of this order after duly countersigned by the Tribunal Officer may be supplied to the parties upon observance of the requisite formalities.”

As per the order passed on 07.11.2019 the report in compliance in terms of the order dated 28.02.2019 was placed on record of this application on that day. However, no such report is available on record.

The matter however could not be taken up on 14.05.2019 as on that day the Bar abstained from work.

Learned Sr.PC submits that the pending statutory complaint of the applicant now stands decided by the competent authority. Affidavit is to be sworn by the competent authority within 3 weeks. Copy be supplied to learned counsel for the applicant within a weeks.

List on 02.04.2024.

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

JUSTICE DHARAM CHAND CHAUDHARY
HON'BLE MEMBER(J)

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