

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

IN THE ARMED FORCES TRIBUNAL:
REGIONAL BENCH, KOLKATA

ORDER SHEET

O.A. No.86/2017
WITH M.A.No.109/2018 AND M.A.No.73/2018 AND M.A.No.75/2017

APPLICANT (S) : EX-SEP LOCHAN BEHERA
RESPONDENT (S) : UNION OF INDIA & OTHERS
Legal Practitioner of applicant (s) : Legal Practitioner for Respondent (s)
Mr.Mahesh Prasad, Advocate : Mr. A.K.Upadhyay, Advocate

ORDERS OF THE TRIBUNAL

Order Serial Number :

Dated : 19-03-2024

M.A.No.73/2018 and M.A.No.109/2018.

Mr Mahesh Prasad, learned counsel, appears through videoconference on behalf of the applicant as also Mr A.K.Upadhyay, learned PC, on behalf of respondents.

This order shall dispose of both the applications filed for substitution of legal representatives of deceased applicant Ex. Sep Lochan Behera by the proposed legal representatives named in the cause-title of the application itself.

It is seen that the deceased soldier is survived by his widow Smt. Kamaruni Behera and 9 children.

In the OA, his dismissal from service has been challenged by the deceased soldier. In case the relief sought is ultimately granted, consequential benefits will be monetary and also pensionary. It is therefore his widow who alone is the legal representative for the purpose of the present application and his sons

and daughters have no role to play at this stage.

The application(MA No.73/2018) for substitution has been filed during the pendency of the OA in terms of the order passed by this Bench on 12.10.2018 and M.A.No.109/2018 for condonation of delay.

The delay as occurred is ordered to be condoned. Otherwise also, substitution of the legal representative(s) is required to straighten the records and dispose of the OA on merits.

Being so, both the applications are allowed. Smt. Kamaruni Behera, widow of the deceased applicant, is ordered to be impleaded as his legal representative. Necessary corrections be made in the cause-title of the OA accordingly. Amended memo be also filed within 2 weeks.

Both the applications are accordingly disposed of.

M.A.No.75/2017.

Since on substitution of the legal representative only the cause-title needs amendment and amended memo is required to be filed, this application is disposed of in view of the order of the day passed in M.A.No.73/2018 and M.A. No.109/ 2018.

O.A. No.86/2017.

Rejoinder be filed within 4 weeks as prayed.

List on 06.05.2024.

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

JUSTICE DHARAM CHAND CHAUDHARY
HON'BLE MEMBER(J)

/na/