

FORM NO - 4
(SEE RULE 11(1))
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH,
KOLKATA

ORDER SHEET

APPLICATION NO. O. A. No.13/2014

APPELLANT (S)

HAV (GD) Vijay Kumar Sah

RESPONDENT(S)

Union of India & 4 Ors.

Legal Practitioner for Appellant(s)
Mr. Suman Basu

Legal Practitioner for Respondent(s)
Mr. Souvik Nandy

ORDER OF THE TRIBUNAL

Order No. 1

Dated: 20.06.2014

Mr. Suman Basu, Id. advocate is present for the applicant. Mr. Souvik Nandy, Id. advocate for the respondents is also present.

O. A. No.13/2014 is listed today for admission hearing. Mr. Nandy, Id. adv. for the respondents does not raise any objection with regard to the admission of the matter.

We, however, observe that there is some delay in filing the application and it attracts the limitation clause as contained in Sec. 22 of the Armed Forces Tribunal Act, 2007. Therefore, at this stage, we are not in a position to condone the delay without any formal prayer seeking condonation of delay. Mr. Basu, Id. adv. for the applicant submits that judgement of acquittal of the applicant was passed by the Hon'ble Patna High Court on 22.07.2013 and thereafter certain steps were taken by the client to collect certified copy and prepare himself to come before this Tribunal. For this purpose he took some time and there was a delay for about two months. Mr. Basu undertakes to file an M A

seeking condonation of delay explaining the reasons for such delay.

Be that as it may, we direct the respondents to file their affidavit-in-opposition along with necessary original documents as relevant to this case for which Mr. Nandy, Id. adv. for the respondents prays for four weeks. Let it be granted. Upon receipt of the ibid A/O, Mr. Basu, Id. adv. for the applicant shall file his affidavit-in-reply within two weeks. In the mean time, Mr. Basu undertakes to file an M. A. seeking condonation of delay within one week from this date.

In view of the above, let the matter be fixed for admission on 05.08.2014 when the M.A. will be taken up and disposed of. It is directed that A/O and A/R be filed and exchanged in the mean time.

A plain copy of the order, duly countersigned by the Tribunal Officer, be furnished to both sides after observance of usual formalities.

(LT. GEN. K.P.D.SAMANTA)
Member (Administrative)

(JUSTICE RAGHUNATH RAY)
Member (Judicial)