

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

**ORDER SHEET**

**APPLICATION No. O.A.No. 3/2012**

APPLICANT (S)	Jyotish Chandra Jana & Another
RESPONDENT (S)	Union of India & 8 Others
Legal Practitioner for Applicant (s)	Legal practitioner for Respondents
Mr. Kamal Kanta Kar	Mr.S. K. Bhattacharyya (Resp. No. 1-7) Mr. Keshab Bhattacharjee Mr. Jagabandhu Roy Mr. Gopal Krishna Maiti (Resp. No. 8)

<b><u>ORDERS OF THE TRIBUNAL</u></b>	
	<div style="display: flex; justify-content: space-between;"> <span><u>Order Serial Number:</u> 25</span> <span>Dated : 19.08.2014</span> </div>
	<p>At the very outset, Mr. Kamal Kanta Kar, learned Advocate submits that the earlier counsel for the applicants/plaintiffs, Mr. Parimal Kumar Dwari is not interested any more to represent them since none of them contacted him. Mr. Kar appearing for the applicants/plaintiffs further submits that he would file his vokatnama on their behalf after obtaining 'no objection' from Mr. Dwari, learned Advocate on the next date of hearing. The plaintiff No.2, Smt. Samali Jana is present personally in the court in response to summons issued earlier by this Tribunal. Mr. Gopal Krishna Maiti, learned Advocate on Record led by Mr. Keshab Bhattacharjee, learned Advocate and Mr. Jagabandhu Roy, learned Advocate appears for private respondent No. 8, wife of the deceased soldier, Soumitra Jana. The private respondent No. 8, Smt. Uma Rani Jana is also present in person.</p> <p>2. At this stage, Mr. Sandip Kumar Bhattacharyya, learned counsel appearing for the Government respondent Nos. 1 to 7 points out that Mr. Kamal Kanta Kar, learned Advocate who has instruction to appear on</p>

behalf of the applicants/plaintiffs earlier deposed as plaintiff witness before the learned Trial Court at Contai and as such he should not be permitted to represent the plaintiffs.

3. Mr. Kar after taking instructions from the applicant/plaintiff No. 2 viz. Samali Jana submits that Mrs. Jana has now decided to engage one Mr. Aniruddha Sarkar, Advocate as their counsel on the next date of hearing. It is, therefore, submitted by Mr. Kar on behalf of the plaintiffs that the hearing of this suit should be adjourned to some other date to enable them to engage Mr. Sarkar as their counsel.

4. Mr. Keshab Bhattacharyya submits that their client is a HIV patient and she has to pass her days along with her minor daughter with severe financial hardship and as such no further adjournment should be granted as prayed for by the plaintiffs. According to him, the plaintiffs are taking a dilly dallying tactics to defeat her claim of family pension and other pensionary benefits. Mr. S K Bhattacharyya, learned counsel for the Government respondents, however, raises no objection to the prayer of the plaintiffs for adjournment.

5. In such circumstances, let the hearing of the suit be adjourned till 29.10.2014. It is, however, made clear that no further adjournment shall be granted on the next date of hearing and as such parties are directed to come prepared for hearing of the suit on the next date.

6. Also issue summons upon plaintiff No. 2 in terms of para 8 of our order dated 01.07.2014 fixing 29.10.2014 for her examination and cross examination.

7. To date (29.10.2014) for examination and cross examination of plaintiff No 2 and hearing.

A plain copy of the order, duly countersigned by the Tribunal Officer, be given to the parties upon observance of all usual formalities.

(Lt Gen K.P.D. Samanta)  
Member (Administrative)

(Justice Raghunath Ray)  
Member ( Judicial )