

FORM NO.4
(SEE RULE 11 (1))

ORDER SHEET

APPLICATION No. T.A. No. 54/2012
{WP(C) No. 13248/2006}

APPLICANT (S)	Ex CPL Nilamadhab Mishra
RESPONDENT (S)	Union of India & 4 Others
Legal Practitioner for Applicant (s)	Legal practitioner for Respondents
Mr. Bisikesan Pradhan	Mr. Dipak Kumar Mukherjee

<u>ORDERS OF THE TRIBUNAL</u>	
<u>Order Serial Number:</u> 10	Dated : 27.08.2014
	<p>Mr. Bisikesan Pradhan, learned counsel appears for the applicant. Mr. Dipak Kumar Mukherjee, learned counsel appears for the respondents. In accordance with our order dated 26.02.2014, the respondents have filed this day certain additional original records pertinent to this case. Let this be kept with the record. Some other relevant original records that have already been filed on 29.04.2013 are lying with the Registry in their safe custody. As prayed for, liberty is granted to Mr. Pradhan to inspect these records that have been filed this day from the Registry after following the usual formalities. Mr. Mukherjee has also filed a supplementary affidavit on behalf of the respondents with copy served upon Mr. Pradhan this day. Let this supplementary affidavit be kept with the record. Mr. Pradhan prays for three weeks to file affidavit-in-reply to this supplementary A/O of the respondents. Such prayer stands granted.</p> <p>We, however, observe that our directions in sub-para (b) and (c) at page 2 of our order dated 26.02.2014 have not yet been complied</p>

with by the respondents. We, therefore, direct the respondents to obtain a report from the concerned Commanding Officer (CO) at that point of time to submit AFMS-10 which have been filed in 1991 and 2000 in respect of the applicant. We find from the supplementary affidavit that no effort has been made to obtain these documents from the concerned CO. These two points of our order dated 26.02.2014 should be clarified in their true spirit by the next date. Mr. Mukherjee, learned counsel for the respondents prays for four weeks to obtain such authentic reply from the concerned CO. Such prayer stands granted.

In such view of the matter, the hearing of this matter stands adjourned till 27.11.2014.

The affidavits and inspection should be completed in the meantime.

To 27.11.2014 for 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)