

FORM NO – 4
(SEE RULE 11 (1))
IN THE ARMED FORCES TRIBUNAL, KOLKATA BENCH
ORDER SHEET

APPLICATION No. O.A. No.55/2011

APPLICANT (S)	Col. M M Mujumdar
RESPONDENT (S)	Union of India & 3 others
Legal Practitioner for applicant (s)	Legal practitioner for Respondents
Mr. Rajiv Manglik	Mr. B K Das Miss Manika Roy

<u>ORDERS OF THE TRIBUNAL</u>	
	<div style="display: flex; justify-content: space-between;"> <u>Order Serial Number:</u> Dated : 19.11.2012 </div>
	<p>This matter is taken up for hearing this day. At the outset, Mr. B K Das, learned counsel for the respondents raised the points of maintainability on two issues. Firstly, he submitted that in accordance with Section 14 of the AFT Act, 2007, AFT has no jurisdiction to decide upon any policy matter; and secondly the applicant should have filed statutory and non-statutory complaints before approaching this Tribunal. Both these points have been argued in detail by Mr. Das as well as Mr. Rajiv Manglik, learned counsel appearing for the applicant. We reserve our order on the point of maintainability.</p> <p>Mr. Rajiv Manglik submitted his oral submission and argued his case in detail and concluded his argument this day. During the course of his argument two aspects were emerged that would need clarification from the respondents. They are – (a) Number of policy letters that have been referred to by the learned counsel from both sides and have been appended as annexures to various affidavits need to be clarified by the respondents as to whether they are the Government of India, Ministry of Defence policy letter or (b) they are only departmental instructions on policy.</p> <p>During the course of argument, Mr. Manglik brought our attention to para 48 of his rejoinder which deals in certain serious allegations to the effect that when the Selection Board was conducted on</p>

6.4.2011 for the officers of the Corps of Engineers, the officers who had been undergoing the HC/HDMC Course and had not completed the said course were given weightage by awarding 0.75 marks as if they had completed the said training course. This aspects of averments has not been replied by the respondents in any form. The learned counsel for the respondents and the Lt. Col. Maneesh Kumar appearing on behalf of the MS Branch (respondent No. 3) pray for adjournment of the matter for one week to obtain clarification on both the points mentioned ibid. Such prayer stands granted since Mr. Manglik has no objection to such adjournment of the matter.

In view of the above, the matter stands adjourned to 06.12.2012 when it would appear in the list for hearing as part heard.

Lt. Col. Maneesh Kumar on behalf of MS Branch (respondent No. 3) submits certain original classified papers in a sealed cover for perusal of the Members of this Tribunal. Let this be kept with the Registrar in his safe custody.

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

(Justice Raghunath Ray)
Member (Judicial)