

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

APPLICATION No.O.A. No.110/2012

APPLICANT (S)

Hav Vijay Shanker Yadav

RESPONDENT (S)

Union of India & 3 Others

Legal Practitioner for applicant (s)

Legal practitioner for Respondents

Mr. Subhash Chandra Hajra

Mr. Sandip Kumar Bhattacharyya

<u>ORDERS OF THE TRIBUNAL</u>	
	<p><u>Order Serial Number:</u> 2 <u>Dated :</u> 04.12.2012</p> <p>Mr. Subhash Chandra Hajra, learned counsel appears for the applicant. Mr. Sandip Kumar Bhattacharyya, learned counsel appearing for the respondents undertakes to file his memo of appearance by next date.</p> <p>It is a case of serving Havildar^a who has been denied two years extension of service based on non-fulfilling criteria as interpreted by the respondents although the matter was earlier considered and provisionally such extension was granted by the authorities. Today was fixed for filing of A/O by the respondents. Despite having been allowed enough time the respondents have failed to file their opposition to the OA. Such delay even after appreciating that this is a case of a serving Havildar who would retire on March, 2013 if the matter is not disposed of, the respondents have shown no sense of urgency in completion of the pleading at least. Such attitude of the respondents despite personal assurance from Lt. Col. Mukul Dev from Legal Cell, HQ Bengal Area is not proper at all.</p> <p>Be that as it may, Mr. Bhattacharyya, learned counsel appearing for the respondents undertakes that he would file his counter affidavit within two weeks from this day. We impress upon Mr. Bhattacharyya not to cause any further delay in the matter considering the sensitivity of the case.</p>

Mr. Hajra, learned counsel for the applicant however has brought to our notice a letter from the Records Signals dated 01/09.3.2012 (Annexure P-5 to the OA) vide which the applicant has been given a prior notice that he would be transferred to Pension Establishment and retire on 31.03.2013 and no extension is provided. Under such circumstances, he prays for stay on the operation of this letter. We have considered his prayer and also the situation as explained by the respondents. We therefore direct that this ibid letter dated 01/09.3.2012 from the Records Signals be stayed for six months from this date **as it relates to the applicant only.**

Let the matter be listed for hearing on 16.01.2013. Affidavits in opposition including the reply be filed and exchanged in the meantime.

To 16.01.2013 for hearing.

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

(Justice Raghunath Ray)
Member (Judicial)