

FORM NO - 4

(SEE RULE 11(1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION NO. T.A. No. 9/2015

(Arising out of W.P.(C) No. 7354/2014)

APPELLANT (S)

Manoj Kumar Sahoo

RESPONDENT(S)

Union of India & Ors

LEGAL PRACTITIONER FOR

LEGAL PRACTITIONER FOR

APPELLANT(S)

RESPONDENT(S)

Mr. A.K. Nayak

Mr. Dipak Kumar Mukherjee

ORDER OF THE TRIBUNAL

Order No. 9

Dated: 28.09.2016

Present: Mr. A.K. Nayak Id. counsel for the applicant.
Mr. Dipak Kumar Mukherjee, Id. counsel, for the
respondents assisted by Lt Cdr V. Chahar, OIC Legal Cell,
Indian Navy.

We have heard the learned counsel for the parties at
length and perused the records.

The learned counsel for the applicant submits that the
applicant after completing the training period had joined
the Naval service as Sailor on 14.2.2013. Counsel further
submits while the applicant was undergoing on probation
his services were dispensed with. Counsel for the
applicant submits that there is no hearing and the order
has been passed by the respondents ex-parte in violation
of principle of natural justice. It is the settled proposition
of law laid down by the Hon'ble Supreme Court by catena
of judgments with regard to violation of principle of
natural justice which may be looked into by the
respondent authorities.

It has been submitted by the respondents' counsel that
the applicant has not completed training and as trainee his
services were dispensed with.

There are materials on record to show that the applicant was sick while undergoing training.

Let the relevant records be produced by the respondents on the next date of hearing. The respondents may file supplementary affidavit clarifying the position with regard to training and probation period.

List the matter on 30.11.2016 for hearing.

Let a plain copy of this order, duly counter signed by the Tribunal Officer, be given to the parties after compliance of requisite formalities.

(LT GEN GAUTAM MOORTHY)	(JUSTICE DEVI PRASAD SINGH)
Member (Administrative)	Member (Judicial)

SS.