

Form No.4
[(SEE RULE 11(1))]
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

RA No.11/2015
(Arising out of OA No.45/2013)

APPLICANT (S) : Union of India & Ors
RESPONDENT (S) : RFN Surinder Kumar
Legal Practitioner of applicant : Legal Practitioner for Respondent (s)

Mr Anup Kumar Biswas

Ms Manika Roy

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL	
	Order Serial Number :	Dated : 29-09-2016
	<p>This is an application for Review of the Order dated 13-7-2015 passed in O.A. No.45 of 2013 under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008. Learned counsel for both sides are present. According to the learned counsel for the applicant, he was charge sheeted, but the Tribunal did not take into account the same while disposing of the OA. A perusal of the judgement dated 13-7-2015 shows that there is only a tentative charge-sheet and not final charge sheet. Accordingly, there is no error apparent in deciding the matter. The learned counsel for the present applicants further wants to produce some more documents, which were left out and seems to be not on record when the OA was heard. In this respect there is catena of judgements of Hon'ble Apex Court, deciding the issue and which states about the procedure to be followed in the matter of disposing of review application. The learned counsel for the present respondent submits that since the documents which were very much in possession of the present applicants, were not submitted while the OA was heard, now those documents should not be taken for consideration.</p> <p>2. In view of above, we are of the view that there is no error apparent on the face of the record in deciding the OA and accordingly the Review Application is rejected. No order as to costs.</p> <p>3. A plain copy of the order be given to both the parties observing all the usual formalities.</p> <div><div>(LT GEN GAUTAM MOORTHY) MEMBER(ADMINISTRATIVE)</div><div>(JUSTICE DEVI PRASAD SINGH) MEMBER (JUDICIAL)</div></div> <p>Tkb</p>	