

(SEE RULE 11 (1))

ORDER SHEET

APPLICANT (S)	Havildar Ashok Kumar Joshi
RESPONDENT (S)	<u>Union of India & 2 Ors</u>
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
Major K. Ramesh, L LM	None

NOTES OF THE REGISTRY	<u>ORDERS OF THE TRIBUNAL</u>
	<div style="float: right; text-align: right;"><u>Dated : 19.04.2013</u></div> <div style="clear: both;"></div> <p style="margin-left: 80px;">Major K. Ramesh, Id. adv. appears on behalf of the applicant. The applicant himself is also personally present. However, Mr. T.K.Hazra, Id. adv. for the respondents is not present on account of his illness as he is admitted in hospital and an adjournment has been sought on his behalf by Mr. S.K.Bhattacharya, Id. adv.</p> <p style="margin-left: 80px;">We find from the records that it is a case where a Havildar Clerk of the Corps of Engineers, who is the applicant, has been agitating before the authorities for his release on compassionate ground since 2011. However, due to various departmental reasons, such discharge has been continuously delayed and in fact, for the present, it has been denied. His petition/complaint in this regard to the Army authorities has not yet been replied although we, in our order dt. 22.3.13, had made it very clear that his complaint should be disposed of in due manner and pendency of this case before this Tribunal should not be a bar in taking a decision by the authorities. We are of the view that the agonies and sufferings by the applicant are getting compounded with every passing day of delay which is either for procedural or</p>

on account of delay in judicial process. Lt. Col. Anil Chandra, OIC, Legal Cell, HQ, Bengal Area, is present. It is directed to the respondents that their counsel or an authorized representative counsel, as may be detailed by the authorities, must be made present on the next date so that the case can be heard and decided on that date. Let the matter be adjourned to 26.4.13 for hearing. We make it very clear that the matter will be decided on that date even if the respondents' side is not represented by their advocate, since all relevant documents are available which will assist in adjudication of the matter. The Id. adv. for the applicant Major Ramesh prays for fixing the matter on 23.4.13 but it is not possible to accommodate him because of congestion of our diary. On the next date of hearing, either he or any other counsel as authorized by him or by the applicant be present along with the applicant himself so that the matter can be disposed of without any further delay.

To 26.4.13 for hearing.

Let a plain copy of the order duly countersigned by the Tribunal Officer be furnished to both parties on observance of due procedure.

(LT. GEN K.P.D.SAMANTA)
MEMBER(A)

(JUSTICE RAGHUNATH RAY)
MEMBER(J)