

FORM NO - 4
(SEE RULE 11(1))
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION NO. O. A. No. 54/2012

APPLICANT (S)

Birendra Sharma

RESPONDENT(S)

Union of India & 3 Ors.

LEGAL PRACTITIONER FOR APPLICANT(S)
Mr. Suman Basu

LEGAL PRACTITIONER FOR RESPONDENT(S)
Mr. Mintu Kumar Goswami

ORDER OF THE TRIBUNAL	
	<div style="display: flex; justify-content: space-between;"><div>Order No. 10</div><div>Dated: 19.04.2013</div></div>
	<p>Mr. Suman Basu, Id. advocate appears on behalf of the applicant and Mr. Mintu Kumar Goswami, Id. advocate for the respondents is present. In the ibid O.A. this appeal on SCM was taken up for hearing. Mr. Suman Basu made his oral submission and concluded his arguments by submitting written note of arguments on behalf of the applicant which may be kept with the record. Mr. Basu also submits citation – AIR 2004 Supreme Court 481 (State (Union of India), Appellant v. Ram Saran, Respondent) - to further his case. Mr. Mintu Kumar Goswami while making oral submissions with regard to the points as submitted by the respondents generally relied upon the facts as mentioned in the counter affidavit. However, there are few relevant records, which were there as a part of the original records as submitted by them, were not annexed in the proper manner in the counter affidavit. He also referred to a decision of the Apex Court reported in (2008) 4 Supreme Court Cases I (Union of India and Others....Appellants v. Naman Singh Shekhawat....Respondent). He prays for 4 weeks' time to recast the relevant paragraph in the C/A and also file the documents as necessary to better his case. Such prayer is granted to Mr. Goswami. Mr. Basu also prays for 2 weeks' time to file his reply after such documents are filed by Mr. Goswami through an additional affidavit. Such prayer is also granted.</p> <p>Under the circumstances, let the matter appear for hearing as a part heard matter on 28.06.2013. Mr. Goswami prays for return of the original records which were filed by them earlier on 25.09.2012 to make certain references in preparation of the additional affidavit. Such prayer is granted. Original documents be returned to Mr. Goswami on proper receipt which must be re-submitted by the 4th June, 2013.</p> <p>A plain copy of the order duly countersigned by the Tribunal Officer be given to both the parties after observance of usual formalities.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div>(LT. GEN. K.P.D.SAMANTA) Member (Administrative)</div><div>(JUSTICE RAGHUNATH RAY) Member (Judicial)</div></div>