

FORM NO – 4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No : T A 44 of 2011

APPLICANT (S)

Shio Kumari

RESPONDENT (S)

Union of India & 7 Ors

Legal Practitioner of applicant

Legal Practitioner for Respondent (s)

Mr. P.K.Pandey

Mr. Sudipto Panda

| NOTES OF THE REGISTRY | <u>ORDERS OF THE TRIBUNAL</u> |
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| | Order Sl. No. : <u>13</u> Dated : 23.04.2013 |
| | <p>Mr. P.K.Pandey, Id. adv. appears on behalf of the applicant without, however, filing any vokatnama. Although Mr. Pandey on the previous occasion, as is seen from our order dt. 28.1.13, had undertaken to file vokatnama on behalf of the applicant, he has not been able to do so till date. To this effect, he has submitted that he was not able to contact the applicant, and, therefore, has sought for an adjournment so as to represent the applicant in this matter.</p> <p>Mr. Sudipto Panda, Id. adv. appears on behalf of the respondents. We find that this a transferred matter from the Hon'ble Patna High Court and has been pending, subsequent to its transfer in 2011, in this Tribunal since then.</p> <p>Mr. Panda has raised serious objection with regard to maintainability of this application before this Tribunal since, as submitted by him in his counter affidavit, the deceased husband of the applicant was not governed by Army Act, and therefore, under the provision of Sec. 2 of the AFT Act, 2007, this application would not be maintainable from the point of view of jurisdiction. This aspect has not been contested by the applicant</p> |

till date.

We gave an opportunity to Mr. Pandey that he could make his submission on this issue even without vokalatnama purely on an undertaking that he would file it by the next date. He, however, submits that he is not in a position to argue the matter even on the issue of maintainability since he is not prepared in this case today and he has also instruction from his senior to seek an adjournment.

Be that as it may, for the sake of justice, we are inclined to adjourn the matter to another date so as to allow the applicant to be present personally or be represented through an authorized counsel with proper vokalatnama and contest the matter properly. We make it very clear that in case no one appears on the next date, the matter will be decided on merit with regard to the question of maintainability issue only.

To 8.7.13 for hearing.

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

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

(JUSTICE RAGHUNATH RAY)
MEMBER(J)