

FORM NO – 4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No : T A 46 of 2012

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| APPLICANT (S) | Ex Hav (Skt) A.K.Maity |
| RESPONDENT (S) | <u>Union of India & 3 Ors</u> |
| Legal Practitioner of applicant | Legal Practitioner for Respondent (s) |
| Miss Ashima Roychowdhury | Mr. Anand Bhandari |

| NOTES OF THE REGISTRY | <u>ORDERS OF THE TRIBUNAL</u> Order Sl. No. : <u>6</u> Dated : <u>23.04.2013</u> |
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| | <p>Miss Ashima Roychowdhury, Id. adv. appears for the applicant and submits that in this case she is led by two seniors, viz Mr. N.Adhikary, Id. adv. from Calcutta High Court and Col. S.R.Kolkol from Delhi. But both her seniors are unable to attend the Tribunal today due to personal difficulty and on that ground, she has sought for an adjournment.</p> <p>Mr. Anand Bhandari, Id. adv. appears on behalf of the respondents and brings to our notice that even on the earlier occasion in November 2012, none had appeared for the applicant. He further submits that he is fully prepared to argue the matter to day.</p> <p>We have heard the submissions of both sides and we find that although this is a transferred application from the Principal Bench, New Delhi, the applicant and his counsels are not taking responsive steps to be present on the dates of hearing, thus delaying the matter indefinitely. We make it very clear while agreeing to the prayer made by Miss Roy Chowdhury for an adjournment, that on the next date, no further adjournment will be granted on the ground of absence of Id. advocates for the</p> |

applicant, and if the applicant is not represented by any counsel or the applicant is not personally present on that date, the matter will be decided on the basis of available records and appropriate orders will be passed.

At this stage, Mr. Anand Bhandari, Id. adv. has drawn our attention to pages 25-26 of the writ petition No. WP (C) 7582/07 (i.e. the instant TA). We find that there is a mention of two more writ petitions vide WP (C) 2489/07 and WP (C) 2931/07 which were listed before the Hon'ble Delhi High Court. The outcome of these writ petitions are required to be intimated by the applicant before this Bench through a sworn affidavit before the instant TA can be taken up for hearing. We make it very clear that a situation must not arise where there may be conflict of decisions between this Tribunal and the Hon'ble High Court where similar matters on the self-same cause of action are pending. We, therefore, direct the applicant to submit the affidavit with necessary clarifications in respect of the above two writ petition within one month i.e. by 23.5.2013.

Hearing of the case is adjourned to 25.7.2013.

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)