

Form No.21
[(SEE RULE 102(1))]

ARMED FORCES TRIBUNAL, KOLKATA BENCH

T.A.No. 17/2015
(Arising out of C.W.J.C.No. 5748/1999)

THE 23rd DAY OF JULY, 2024

No. 146441-K Arun Kumar Mishra Applicant
-Vs-
Union of India & Ors. Respondents

Advocates present:

For the applicant,
None

For the respondents,
Mr. Debu Chowdhury, Senior Panel Counsel through VC

CORAM:

HON'BLE MR. JUSTICE DHARAM CHAND CHAUDHARY, MEMBER (JUDICIAL)
HON'BLE LT GEN SHASHANK SHEKHAR MISHRA, MEMBER (ADMINISTRATIVE)

ORDER (Oral)

JUSTICE DHARAM CHAND CHAUDHARY, MEMBER (JUDICIAL)

As reported by the Registry, the actual date hearing notice issued to the applicant in person and also through learned counsel representing him stand served, however, again there is no appearance on his behalf. It appears that he is no more interested to prosecute this application any further. The same is accordingly, dismissed for want of prosecution.

Miscellaneous Application(s), if any, pending will also stand disposed of accordingly.

LT GEN SHASHANK SHEKHAR MISHRA
HON'BLE MEMBER(A)

JUSTICE DHARAM CHAND CHAUDHARY
HON'BLE MEMBER(J)

At this stage, when the order earlier passed in this matter has not been signed, Section Officer (SO), Judicial Branch has produced written response of the applicant to the actual date hearing notice served upon him consequent upon the order passed on the previous date. The same though was received yesterday i.e. on 22/07/2024 as per diary entries made therein and marked by the Registrar (i/c) to SO, Judicial branch. The SO has received the same today at 11:00 am. When on the very opening page of the response, it has been described in capital letters "FOR PRESENTATION ON 23 JULY 2024" it should have been placed on record of the original application on 22nd July, 2024 itself. The casual approach in the matter has resulted in not placing the response of the applicant, so received, in the office/Registry on record promptly and it is for this reason, the earlier order *qua* dismissal of the original application for want of prosecution came to be passed. Although, the applicant as well as learned counsel representing him has failed to put in appearance and as such the written response so received could have been ignored and appropriate order passed in the matter however, the applicant may not be condemned unheard, the matter is adjourned to 06/09/2024 for hearing and the order passed earlier is hereby recalled.

Actual date hearing notice through regd. AD post be, however, again issued to the applicant in person and also through learned counsel representing him.

Before parting, taking a lenient view at this stage, we refrain ourselves from making any other and further observations against the officer/officials who on receipt of the response of the applicant, failed to place the same on record, with the expectation that no such lapse recur in future especially while dealing with a judicial matter.

LT GEN SHASHANK SHEKHAR MISHRA
HON'BLE MEMBER(A)

vr/-

JUSTICE DHARAM CHAND CHAUDHARY
HON'BLE MEMBER(J)