

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

ARMED FORCES TRIBUNAL, KOLKATA BENCH

O.A.No. 41/2016

THE 30<sup>TH</sup> DAY OF SEPTEMBER, 2024

Ashok Kumar Adhikari ..... Applicant  
-Vs-  
Union of India & Ors. .... Respondents

Advocates present:

For the applicant,  
None

For the respondents,  
Mr. Ajay Chaubey, Sr.PC

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)

Heard.

(2) In this application following reliefs have been sought to be granted:

- (a) To set aside and quash the impugned Letter No. PEN/600/REST /095816 dated 30/01/2014 issued by Sr. Staff Officer (Pension) for Commodore.
- (b) To declare that Regulation 269 of the Navy (Pension) Regulation 1964 to the extent refers to "if required" and "Indian Fleet Reserve Regulations" as arbitrary, unfair, unreasonable, discriminatory and ultravires of the Navy Act, 1957 and Article 14 of the Constitution of India.

- (c) To direct the respondents to grant pension to the applicant by taking into consideration the reservist service of 10 years w.e.f. 16/12/1980 and/or alternatively direct the respondents to grant special pension in terms of Pension Regulations 95 for the Navy 1964 with all consequential benefits along with interest @ 10% p.a.
- (d) To direct the respondents to produce the original records relating to the case at the time of hearing.
- (e) Costs of this application be awarded.
- (f) Any other and further reliefs as this Tribunal may deem fit and proper may also be granted to the applicant.

(3) The applicant, however, has filed simple application on 19/09/2024 for seeking withdrawal of the original application, as according to him, the relief which have been sought, stands granted. He has also enclosed the copy of PPO along with the application. The applicant in his application has stated that in view of his grievances stood already resolved, he is no more interested to prosecute this application any further. Being so, the OA is disposed of as not pressed.

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)

vr/~