

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

**ORDER SHEET**

APPLICATION NO. T. A. No.78/2010  
(W.P.No.5104(W)/2005)

APPELLANT (S)	Dinabandhu Hazra
RESPONDENT(S)	Union of India & 4 Ors.
Legal Practitioner for Appellant(s) None	Legal Practitioner for Respondent(s) Mr. Dipak Kumar Mukherjee

**ORDER OF THE TRIBUNAL**

Order No. 28

Dated: 29.04.2014

Mr. Suman Basu, Id. advocate-on-record for the applicant is not present. However, Mr. R. Sen, proxy advocate to Mr. Basu submits that Mr. Basu is unable to attend the Court today on account of personal difficulties and on that account he has sought for an adjournment of the matter. Mr. Dipak Kumar Mukherjee, Id. advocate for the respondents is present.

In accordance with our order dated 11.03.2014 Mr. Mukherjee, Id. adv. for the respondents files legible copies of the original documents which may be kept in the safe custody of the Registry. Legible copies that have been pointed out in the A/O have also been supplied to Mr. Basu.

Be that as it may, since the original documents are in the custody of the Registry, Mr. Basu, Id. adv.-on-record for applicant is at liberty to inspect those documents after observing usual formalities with the Registry. Id. proxy advocate shall communicate this order to the Id. advocate-on-record for the applicant.

We also notice that affidavit-in-reply has not yet been filed although the affidavit-in-opposition was filed long back in

December, 2010. For the sake of justice, we are not in a position to consider continuous adjournment of this matter for filing the A/R since the applicant is taking more than three years for doing the same. Nevertheless, we have taken note of the fact that the ld. counsel for the applicant was actually waiting for legible copies of the documents for preparation of his A/R. Now they are available and there is no reason for any further delay. We direct the applicant to file his A/R, if advised, within four weeks from this date, as prayed for. Being an old case that was initially filed before the Hon'ble Calcutta High Court in 2005 as W.P.No.5104(W)/2005, we are not inclined to delay the matter any further.

Under the circumstances, the matter be specially fixed for hearing on 06.08.2014. Inspection of documents and filing of A/R by the applicant shall be done in the mean time.

We make it very clear that in case the applicant or his advocate is not present on that date, the matter shall be dismissed for default of appearance as per provisions under Rule 16(1) of the Armed Forces Tribunal (Procedure) Rules, 2008.

A plain copy of the order, duly countersigned by the Tribunal Officer, be furnished to both sides after observance of usual formalities.

(LT. GEN. K.P.D.SAMANTA)  
Member (Administrative)

(JUSTICE RAGHUNATH RAY)  
Member (Judicial)