

**FORM NO – 4**

**(SEE RULE 11 (1))**

**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA**

**ORDER SHEET**

**APPLICATION No : O A 121 of 2012**

APPLICANT (S)

Col. R.K.Tripathi

RESPONDENT (S)

Union of India & 5 Ors

Legal Practitioner of applicant

Legal Practitioner for Respondent (s)

Mr. Rajiv Mangalik

Mr. M.K.Goswami (res. 1-3)/Mr.  
S.K.Bhattacharyya, (res. 4)

NOTES OF THE REGISTRY	<b><u>ORDERS OF THE TRIBUNAL</u></b> Order Sl. No. : <u>11</u> Dated : <u>22.11.2013</u>
	<p>Mr. Rajiv Mangalik, Id. adv. is present for the applicant. Mr. M.K.Goswami, Id. adv. is present on behalf of respondents 1 to 3 while Mr. S.K.Bhattacharyya, Id. adv. is present for respondent No. 4. Lt. Col. S. Prabhu. AMS(Legal) from MS Branch, New Delhi is also present.</p> <p>Perused the office note. It appears that the SLP filed against the interim order granted by this Tribunal in this case before the Hon'ble Supreme Court has been rejected with certain observations. A copy of the order of the Hon'ble Apex Court is in file. The OA is taken up for hearing.</p> <p>Mr. Mangalik, Id. adv. for the applicant has argued at length and concluded his arguments.</p> <p>While examining the records it is found that A/O has not been filed either on behalf of respondents 1 to 3 or by the respondent No. 4. However, Mr. Gowami submits that the A/O was prepared on 30.5.13 and a copy was served upon Mr. Mangalik, which he has confirmed. However, due to inadvertent mistake, the same could not be filed in the Registrar. He</p>

undertakes to file affirmed A/O in course of three days. He is permitted to do so. Mr. Bhattacharyya submits that he does not wish to file any more A/O in this case.

During the course of hearing, certain queries were raised to be answered by the respondents. Some documents have also been asked for, which have been taken note by the AMS (Legal) of MS Branch, who is present in court. We also direct the respondents to ensure that an officer dealing with Boards should be made available on the next date to explain these aspects more elucidatedly.

Let the matter be adjourned for further hearing on 5.2.14 when it will appear as part-heard.

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

(JUSTICE RAGHUNATH RAY)  
MEMBER(J)