

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA
ORDER SHEET

APPLICATION No. O.A. No. 18/2013

APPLICANT (S)

Ex WO Santosh Kumar Paikray

RESPONDENT (S)

Union of India & 4 Others

Legal Practitioner for Applicant (s)

Legal practitioner for Respondents

Mr.Bisikesan Pradhan

Mr. Mintu Kumar Goswami

| ORDERS OF THE TRIBUNAL | |
|------------------------|---|
| Order Serial Number: 6 | Dated : 29.04.2014 |
| | <p>Mr. Bisikesan Pradhan, learned counsel appears for the applicant and Mr. Mintu Kumar Goswami, learned counsel appears for the respondents.</p> <p>At the outset, Mr. Gowami submits that the instant OA is in similar line with TA No. 339 of 2010 (CWP No. 567 of 2002) filed by one ex JWO Bharat Singh Khatana in Principal Bench of Armed Forces Tribunal at New Delhi. The said case was decided in favour of the applicant but the authorities i.e. Union of India had filed a Review Application which was rejected. Thereafter, as orally submitted by Mr. Goswami this day that the Union of India have appealed against this order of the Hon'ble Principal Bench before the Hon'ble Supreme Court {Civil Appeal No(s) 7366-7367 of 2011}. The ibid Appeal before the Hon'ble Supreme Court is pending with other similar cases where the decisions were given in favour of the applicants. The ibid Appeal is listed for hearing on 15.07.2014.</p> |

In view of the above position of the Appeal case as obtained from the internet, Mr. Goswami submits that this case which is in similar line be adjourned till the *ibid* Appeal Case is decided.

To this effect, Mr. Goswami has drawn our attention to para 4(f) at page 5 of their affidavit-in-opposition.

Mr. Pradhan, learned counsel for the applicant however submits that the facts and circumstances of the case that has been referred to by Mr. Goswami may not be similar with the present case of his client since he is not aware of the details of that case nor has he been supplied with any details of that case including the order of the Hon'ble Principal Bench. Therefore, he is of the view that the case that is listed this day for hearing be heard in details and judgement pronounced without awaiting for the outcome of the aforesaid case which has been referred to by Mr. Goswami, the details of which are not even known to us.

We have heard the submissions of the learned counsel from both sides. We are of the view that an opportunity should be given to the respondents to produce a copy of the TA No. 339 of 2010 along with the copy of the order passed by the Hon'ble Principal Bench in that case besides the copy of the review application and the order disposing that application by the next date. It is only after perusal of the aforesaid records, we would be in a position to say as to whether the law points are same with the instant case or otherwise.

In the meantime, Mr. Goswami is also directed to furnish the details with regards to the monetary benefits to the JWOs through MACP Rules and through Honorary JWOs, if such practice is available in the Air Force as is prevalent in the Army by the next date for our comparison and for proper adjudication of this matter.

In view of the above, for the sake of justice, let the matter be adjourned till 27.08.2014 for hearing.

A plain copy of the order, duly countersigned by the Tribunal Officer, be given to the parties upon observance of all usual formalities.

(Lt Gen K.P.D. Samanta)
Member (Administrative)

(Justice Raghunath Ray)
Member (Judicial)