

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

ORDER SHEET
APPLICATION No. O.A. No. 18/2010

APPLICANT (S)	Subedar Brijendra Singh
RESPONDENT (S)	Union of India & 4 Others
Legal Practitioner for Applicant (s)	Legal practitioner for Respondents
Mr. Suman Basu	Mr. Sauvik Nandy

	<p style="text-align: center;"><u>ORDERS OF THE TRIBUNAL</u></p> <p>Order Serial Number: <i>18</i> Dated : 17.09.2014</p>
	<p>Mr.Suman Basu, learned counsel appears for the appellant. The appellant, Subedar Brijendra Singh, on court bail is also present in person. Mr. Sauvik Nandy, learned counsel appearing for the respondents submits that he has been asked by this court to submit certain relevant records in original and also several other documents in connection with this appeal and also to submit supplementary pleadings in response to the pleadings submitted by the learned counsel for the appellant. Unfortunately, however, the original records and other relevant documents as asked for by this court vide order dated 05.09.2013 have not yet reached. He, therefore, prays for four weeks to collect those documents and submit them before this court and also file rejoinder to the supplementary affidavit submitted on behalf of the appellant.</p> <p>Such prayer is, however, strongly disputed by Mr. Basu on the ground that his client has already suffered a lot and if any further adjournment is granted in this part-heard matter that would cause immense hardship to his client. It is, therefore, submitted by him that</p>

the respondents should not be allowed further opportunity to respond to is supplementary pleading as also to file additional documents in terms of court's order in this part-heard matter. He further prays that if, however, adjournment is granted on the prayer of the learned counsel for the respondents, in that event the next date should be fixed before the commencement of ensuing vacation.

We have taken into consideration the rival submissions of both sides. It appears from record that both sides were granted several adjournments earlier on their respective grounds on various occasions. At any rate, for the sake of justice, the respondents should also be allowed to file rejoinder to the supplementary pleading filed on behalf of the appellant. Furthermore, the original records and documents which have been asked for are essentially required for proper adjudication of this appeal. The respondents, therefore, should be allowed time as prayed for to submit those documents.

Considering all these and also that only a few working days are left before the commencement of ensuing vacation, it is not possible to conclude the hearing of this part heard matter before vacation. Under such compelling circumstances, part-heard should be cancelled. It is, however, made clear that no further adjournment should be allowed to either of the side on the next date of hearing. Let the part-heard be cancelled accordingly and let the matter appear for hearing on 08.12.2014 as agreed by both sides.

To 08.12.2014 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)