

**COURT NO. 3, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

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MA 269/2011 & MA 94/2014
Arising out of OA 331/2010

Ex Gnr (L/Nk) Sunil Kumar
Versus
UOI & Ors

... Petitioner

... Respondents

For petitioner: Mr. SS Pandey, Advocate

For respondents: Mr. Ajai Bhalla, Advocate

CORAM:

HON'BLE MR. JUSTICE R.C.MISHRA, MEMBER.

HON'BLE LT GEN S.K. SINGH, MEMBER

ORDER
09.09.2014

As informed by the learned counsel for the petitioner, he has already received communication dated 20th August 2014, authored by Officiating Adjutant, 203 SATA Regt. requiring him to report at 229 Transit Camp, Chandigarh, alongwith the documents mentioned therein.

2. A bare perusal of the record would reveal that for execution of the same order passed on 25.03.2011 (OA No. 331/2010), the petitioner has filed two applications - the first one filed on 21.07.2011 and numbered as MA No. 269/2011, was adjourned *sine die* vide order dated 27.08.2012, awaiting the decision of the Supreme Court. Thereafter, the appeal was dismissed by the Apex Court as withdrawn vide order dated 02.09.2013, as reproduced below :

“Mr. K Radhakrishnan, learned senior counsel for the appellant seeks leave to withdraw this appeal with liberty for the appellant to approach the Tribunal for appropriate orders

in terms similar to those stipulated in the Judgment of this Court in Union of India and Ors. Vs. Brigadier PS Gill 2012 (4) SCC 463. Appeal is accordingly dismissed as withdrawn with liberty prayed for and on terms similar to what is set out in para 33 of the said judgment.”

“Consequent upon dismissal of the appeal as withdrawn, order of this Court dated 2nd January, 2013 passed in the appeal staying the direction of the Armed Forces Tribunal, Principal Bench, New Delhi in O.A. No. 331 of 2010 for reinstatement of the respondent be and is hereby vacated.”

3. Thereafter, the petitioner, instead of moving an application to take up MA No. 269/2011 for hearing, preferred to move another application dated 13.02.2014, for execution and the office also failed to raise objection as to the maintainability of the second application (Registered as MA No. 94/2014) for the same relief.
4. However, as the order in execution has already been complied with, nothing survives for consideration.
5. In such a situation, both the MAs stand disposed off in full satisfaction.

(R.C. MISHRA)
MEMBER (J)

(S.K. SINGH)
MEMBER (A)

New Delhi
09.09.2014
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