

COURT NO. 2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

29.

MA 1595/2019 in OA 14/2019

In the matter of :

Col Veerendra Mohan (Retd.)

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Applicant in person with Ms. Spitti A. Sarkar,
Advocate

For Respondents : Mr. Tarunvir Singh Khehar with Mr. Vishal
Tripathi, Advocates

CORAM :

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

O R D E R

03.01.2020

M.A. No. 1595 of 2019 :

Vide this MA, the applicant seeks restoration of the OA on the ground that the counsel for the applicant could not attend court on 15.05.2019 as she had developed eye-infection and was under treatment at Surbhi Hospital, Golf Course, Morna, Sector - 39, Noida. In support of her averment, she has filed her own affidavit.

No reply to this application has been filed by the respondents. However, copy of the medical prescription placed on record by the counsel has been highlighted for submitting that restoration has been sought on the basis of medical prescription dated 25.04.2019 which advised her to rest for seven days only and the matter was listed on 15.05.2019, therefore, no sufficient explanation has been given for non-

appearance on 15.05.2019 by the counsel for the applicant. In any case, there is no explanation for non-appearance of the applicant himself.

The above submission has force, however, in the interest of justice, the application is allowed and the OA is restored to its original number and position. It is made clear that in future if the counsel for the applicant is unable to appear, the applicant who is stated to be an Ex-JAG Officer himself, will be personally present in the court.

M.A. No. 1595 of 2019 stands disposed of accordingly.

O.A. No. 14 of 2019 :

Heard. Admit.

Issue Notice to the respondents on OA as well as MA. Notice is accepted by Mr. Tarunvir Singh Khehar, counsel for the respondents who seeks time to file counter affidavit. Let the same be filed within four weeks with copy to the counsel for the applicant.

Re-list on **12th March, 2020** before the Principal Registrar for completion of pleadings.

**[JUSTICE SUNITA GUPTA]
MEMBER (J)**

**[LT GEN PHILIP CAMPOSE]
MEMBER (A)**