

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video-Conferencing)

43.

OA 2492/2021 with MA 2607/2021

In the matter of :

Ex EAA/APP Saunoo & Ors.

... Applicants

Versus

Union of India & Ors.

... Respondents

For Applicants : Shri Mrigank Sharma, Advocate for
Shri Ajit Kakkar, Advocate

For Respondents : Shri Anil Gautam, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN P.M. HARIZ, MEMBER (A)

O R D E R
12.11.2021

M.A. No. 2607 of 2021 :

Heard.

2. Even though Shri Anil Gautam, learned counsel for the respondents, has raised an objection to say that after the earlier order was passed by this Tribunal, on behalf of the applicants, a joint legal notice was sent on 25.09.2021 and even before the period prescribed under Section 22 of the Armed Forces Tribunal Act, 2007 is over, this application under Section 4(5) of the Act has been filed and, therefore, it is not maintainable. That apart, he has raised an objection that the case of each individual is different and, therefore, the joint application cannot be permitted.

3. As far as the second objection regarding the grounds for filing the joint application is concerned, we find that by a common impugned order, services of many applicants have been terminated on identical grounds and not only the Chandigarh Regional Bench but we have also interfered with some matter. Taking note of the same, the second objection raised by Shri Gautam is rejected.

4. As far as the period for deciding the representation is concerned, we direct the respondents to take note of the legal notice and decide it by a speaking order and submit a report within four weeks.

5. Even though Shri Anil Gautam has raised an objection to say that a joint representation is not permissible, we are of the considered view that that this is a hyper-technical objection as the facts of the case and reasons for termination of each individual are identical and a joint representation through the counsel meets the requirement of justice and, therefore, this objection is rejected.

6. Accordingly, MA stands allowed.

O.A. No. 2492 of 2021 :

7. Issue Notice to the respondents. Notice is accepted by Shri Anil Gautam, learned counsel for the respondents. Let the

counter affidavit be filed within four weeks with copy to the learned counsel for the applicant.

8. List the matter on **17th December, 2021**.

Copy of this order be given '***Dasti***'.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN P.M. HARIZ]
MEMBER (A)

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