

**COURT NO. 2, ARMED FORCES TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**(Through Video-Conferencing)**

21.

**OA 1870/2020**

**In the matter of :**

**Lt Col Saurabh Dutt**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant : In Person**

**For Respondents : Dr. V S Mahndiyan, Advocate**

**CORAM :**

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

**HON'BLE VICE ADMIRAL P. MURUGESAN, MEMBER (A)**

**O R D E R**

**18.11.2021**

Counter affidavit has not been filed by the respondents. More time is sought on the ground that now the respondents are taking up the matter with the higher command. Adjournment is vehemently opposed by the applicant on the ground that when the matter was pending before Guwahati Bench, at that time last opportunity was granted to the respondents to file counter affidavit. Thereafter, when the matter has been transferred to this Bench then also last opportunity has been granted. Despite that respondents are not filing the counter affidavit. Therefore, it is submitted that the interim relief for refund of Rs. 5 lakhs be granted to him.

During the course of deliberation it transpires that the applicant has also filed another OA bearing Dy. No. 1869/2020 before Guwahati Bench which has now been transferred and is

pending before Court No. 1. Dr. V.S. Mahndiyan, Advocate submits that since both the OAs pertains to the same parties and the issue is also regarding maintenance, it will be appropriate that both the matters are decided by the same court.

It is further pointed out that the issue whether the grant of maintenance is within the domain of AFT is pending before Larger Bench.

List before Hon'ble Chairperson for appropriate directions.

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

**[VICE ADMIRAL P. MURUGESAN]  
MEMBER (A)**

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