

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

29.

OA 1861/2019

Ex Sub Maj/Lab Tech B Damodara Rao **Applicant**
VERSUS

Union of India and Ors. **Respondents**

For Applicant : Applicant In Person

For Respondents : Mr. Harish V Shankar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

30.10.2023

Vide order dated 13.03.2023, it was directed that the respondents are permitted to file the counter affidavit with copy to the applicant subject to payment of costs of Rs. 10,000/- to the applicant with it having been specifically directed that the counter affidavit would be accepted only after payment of costs.

On behalf of the respondents, it is submitted to the effect that several attempts were taken to hand over cheque to the applicant which the applicant refused. Copy of the cheque bearing no. 455311 dated 20.07.2023 has been submitted on behalf of the respondents in the Court proceedings now with the original thereof having also been produced which has been seen and returned. The applicant submits that he did not decline the receipt of the same. The said cheque dated 20.07.2023 has since expired and is no longer valid. It is submitted by the respondents that the counter affidavit is ready.

On behalf of the respondents a week's time is sought to give a fresh cheque to the applicant.

The respondents submit the cheque qua costs imposed vide order dated 13.03.2023 would be produced on the next date of hearing and the counter affidavit would be also submitted in

Court on the next date of hearing with a copy being supplied to the applicant through counsel.

The entire records as prayed by the applicant vide the prayer clause 8(i) i.e. the entire records of the Honorary Commission of Independent Day 2019 and the entire records of Subedar Major of AMC Corps be produced by the respondents and furthermore all policy letters in relation to the grant of Honorary Commissions as prayed by the applicant be also produced by the respondents on the next date of hearing.

The applicant submits in reply to a specific Court Query that his address is Village-Rajapur, Post-Kasinagar, District-Gajapati Odisha, 761206. The applicant also submits that he does not reside at the address as is mentioned in memo of parties.

Re-list the matter on **04.12.2023**.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**

POOJA