

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

56.

OA 70/2018

Nk/MT Jai Prakash Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant: None
For Respondents : Gp Capt Karan Singh Bhati Sr CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P MOHANTY, MEMBER (A)

ORDER
14.10.2024

In terms of directions dated 09.09.2024, the records of OA 454/2011 disposed of on 04.09.2012 have been put up by the Registry. A perusal of the OA 454/2011 and the Memo of Parties thereon, indicates that there were 10 applicants and the applicant of the instant OA 70/2018 Nk/MT Jai Prakash (No. 14816883W) is not arrayed as a party to OA 454/2011. It is essential to observe that as per averments that have been made in the counter affidavit filed by the respondents dated 17.07.2018 in Para 11, it has been specifically mentioned to the effect :-

“11. In the meantime, OA 454/2011 was filed by Hav Kareppa Sanak & Ors before the Hon'ble AFT (PB), including OA 59/2012 by the applicant, and all these cases have been decided by the Hon'ble Tribunal on 04 April, 2012. The Hon'ble Tribunal, after due consideration ruled that the amount paid due to bonafide error of the respondents, the recovery of the amount was waived.”,

thus, stating thereby that the present applicant had filed OA 59/2012. We have considered it essential to requisition the records of OA 59/2012 as well and the perusal of the Memo of Parties in OA 59/2012 indicates that there were 12 applicants and the present applicant Nk/MT Jai Prakash is not arrayed as a party even to OA 59/2012.

2. There is no representation on behalf of the applicant.
3. Court notice be issued to the applicant and the counsel for the applicant.
4. In the interest of justice, the matter be re-notified for hearing on 09.12.2024.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C. P MOHANTY)
MEMBER (A)

Yogita