

**COURT No.3, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

8.

OA (Appeal) 808/2015

Ex Cdr Shashi Kumar

..... Petitioner

Versus

Union of India & Ors.

..... Respondents

For petitioner : Mr. DJ Singh, Advocate

For respondents : Mr.VS Tomar, SR Swain, Advocates

CORAM:

HON'BLE MR. JUSTICE AMAR SARAN, MEMBER

HON'BLE AIR MARSHAL JN BURMA, MEMBER

ORDER

01.11.2016

1. Learned counsel for the respondents submits that the present Court Martial is an offshoot of an earlier incident in which two other persons, namely, MK Thakur, Petty Officer, CD (in OA 29/2016) and Kuldeep Singh, LS, CD-II (in OA 32/2016) have also been tried whose appeals against the earlier Court Martials are also pending before this Tribunal and it would be in the interest of justice that their matters would also be heard at the same time when the present appeal filed by the applicant is heard. Learned counsel for the applicant opposed this prayer and submits that the cause of action of the said matter is different from that of the applicant. Be that as it may, we are of the view that there would be no harm in hearing all these matters at the same time one after the other. Learned counsel for the applicant pointed out that applicant has preferred an application for judicial review under Section 160 of the Navy Act on 21.03.2015 and the same is pending for more than one and a half years. We are distressed with this state of affairs and direct the competent authority to positively dispose of the application for judicial review within three months. We also hope that the provisions of Section 160 (i) & (ii) would be followed in letter and spirit and the applicant will be given an opportunity to be heard in person.

2. Pleadings are complete.
3. Let the matter be listed alongwith OA No.29/2016 and OA No.32/2016 on **14.02.2017**.
4. Order Dasti.

**(AMAR SARAN)
MEMBER(J)**

**(JN BURMA)
MEMBER(A)**

01.11.2016/chanana