

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

1.
CA 4/2014

IC-46298N Lt Col Mukul DevPetitioner
Versus
UOI & Ors.Respondents

For petitioner : Ms Jyoti Singh, Senior Advocate with
Mr Rajiv Manglik & Mr Lalit Kumar, Advocates
For respondents : Mr Anil Gautam with Col NK Ohri, Advocates

WITH

2.
CA 7/2014
In OA 29/2014 (RB, Kolkata)

IC-46298N Lt Col Mukul DevPetitioner
Versus
Sh. R.K. Mathur & Ors.Respondents

For petitioner : Ms Jyoti Singh, Senior Advocate with
Mr Rajiv Manglik & Mr Lalit Kumar, Advocates
For respondents : Mr Anil Gautam with Col NK Ohri, Advocates

CORAM:
HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON.
HON'ble MR. JUSTIC SUNIL HALI, MEMBER
HON'BLE LT. AIR MARSHAL J.N. BURMA, MEMBER.

ORDER
17.09.2015

A letter petition has been submitted by learned counsel Sh. Lalit Kumar before the Larger Bench (Before us), with a prayer that one petitioner Ex Lt Col Deepak Bali has filed one RA in Review Application No.26/2015 seeking review of the order dated 14.07.2015 passed by the Bench of Court No.3 of the Principal Bench of the Tribunal. In the reference before this Bench, the scope of Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008 will be considered. Therefore, petitioner's Review Application (yet not Regd.) filed in RA 26/2015 may also be taken up with the Full Bench reference in CA 4/2014.

2. Though no appropriate application has been submitted for taking up the Review Application by the Larger Bench yet, we heard learned

counsel Sh. Lalit Kumar. We are of the considered opinion that subject matter in the newly filed Review Application is entirely different than the subject which is before the Larger Bench in accordance with the reference order passed in CA 4/2014 dated 15.04.2015. We do not find any reason to take up the matter of Review Application filed in Review Petition No.26/2015 along with this reference. Therefore, the prayer is rejected. However, learned counsel Sh. Lalit Kumar may assist the Tribunal in a reference in CA 4/2014 as he wished. Since the newly filed Review Application, filed in RA 26/2015 in MA 323/2015 in OA 56/2009 has not been registered, the office may process the file and place the same before the appropriate Bench.

3. On behalf of arguing counsel for the respondents time was sought by learned counsel Mr. Anil Gautam appearing with Col N.K. Ohri. Learned counsel for the petitioner Ms Jyoti Singh, Senior Advocate has serious objection against adjournment.

4. Respondents sought time on the ground that learned ASG is not available to argue the matter because he is engaged in another case in Supreme Court. The respondent's adjournment prayer due to non-availability of learned ASG was seriously objected to by the learned counsel for the petitioner on the last date i.e. on 26.08.2015 also. Yet, today the respondents have come up with the same plea and sought time to argue the matter. We do not find justification for seeking adjournment in a case where the Bench was constituted again as per the convenience of the learned counsel for the respondents. Therefore, arguments of learned counsel for the petitioner as well as learned counsel Mr. Rajiv Manglik and Mr. Lalit Kumar, Advocates are heard.

5. However, in the interest of justice and as per the convenience of the learned counsel for the respondents the matter is adjourned to 22.09.2015. The matter will be taken up at 2.00 P.M. We are giving this date as per the convenience of learned ASG and if learned ASG will not be available on the date as fixed above, the UOI may make any alternative arrangement.

6. Put up on **22.09.2015** at 2.00 P.M.

(PRAKASH TATIA)
CHAIRPERSON

(SUNIL HALI)
MEMBER

(JN BURMA)
MEMBER

Dated:17.09.2015
mlb