

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

10.

OA 309/2019

Lt. Col JS Bath

... Applicant

Versus

Union of India & Ors.

...Respondents

For Applicant : Mr. I.S. Singh, Advocate

For Respondents : Mr. Tarunvir Singh Khehar, Advocate

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI, MEMBER (J)

HON'BLE LT. GEN. N.B. SINGH, MEMBER (A)

**O R D E R
07.05.2019**

Further time is sought for filing the reply. Let the reply be filed within 8 weeks with an advance copy to the applicant who may file rejoinder, if any, before the next date of hearing.

2. Learned counsel for the applicant has drawn our attention to the Circular dated 28th November 2006 Paragraph 9(b) wherein it has been specifically observed that in case where the officer has remained under suspension for more than 6 months, the competent authority shall review such cases after expiry of each period of 6 months so as to decide the efficacy of continuing suspension of the delinquent.

3. It is the case where the applicant has remained under suspension for more than 2 years and his case has still not been considered even once till date in terms of the aforesaid circular. This has been contested by the learned counsel for the respondents and has drawn our attention to page 53 which shows that his suspension was reviewed more than a year back.

4. Having heard the learned counsel for the parties, the respondents shall file a short affidavit indicating the dates on which the applicant was suspended and the dates on which his case was reviewed by the competent authority in terms of the aforesaid Circular from time to time. Advance copy of the said affidavit shall be given to the applicant.

5. List the matter on **26th July 2019**.

[JUSTICE V.K.SHALI]
MEMBER (J)

[LT. GEN. N.B. SINGH]
MEMBER (A)

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