

**COURT NO. 1, ARMED FORCES TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

36.

**OA 1643/2022 with MA 2983/2022**

**In the matter of :**

**Col Ajay Kothiyal (Retd)**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant** : Shri A.K. Trivedi, Advocate

**For Respondents** : Ms. Barkha Babbar, Advocate

**CORAM :**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON**  
**HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)**

**O R D E R**  
**05.01.2023**

Having heard learned counsel for the parties, the main issue involved in the application is as to whether the Nehru Institute of Mountaineering (NIM), Uttarkashi, where the applicant was sent on deputation did relieve him; if so, when and after reliving, whether the applicant joined duties with his parent department. These being disputes of facts, we are of the considered view that the Nehru Institute of Mountaineering, Uttarkashi is a necessary party.

We direct that the Nehru Institute of Mountaineering, Uttarkashi be impleaded as Respondent No. 6 to the petition. Necessary steps in this regard be taken by the counsel for the

applicant by tomorrow, and on payment of process fee within one week, notice be issued to the Nehru Institute of Mountaineering, Uttarkashi along with a copy of the petition, documents and also the counter affidavit filed by the respondents, direct them to give their say in the matter within four weeks.

List the matter on **19<sup>th</sup> April, 2023.**

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[LT GEN C. P. MOHANTY]  
MEMBER (A)**

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