

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

103.

OA 611/2019 with MA 1192/2019,
MA 1929/2019 and MA 1930/2019

Col Bharat Singh

... Applicant

Versus

Union of India & Ors.

... Respondents

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

For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)

O R D E R
03.09.2019

MA 1929/2019 and MA 1930/2019 :

The respondents seek condonation of 16 days' delay in filing the reply to the OA vide M.A .No. 1929 of 2019. Through M.A. No. 1930 of 2019, condonation of 16 days' delay is sought in filing the reply to M.A. No. 1192 of 2019. Allowed as prayed for and delay stands condoned.

M.A. Nos. 1929/2019 and MA 1930/2019 stand disposed of accordingly.

MA 1192/2019 in OA 611/2019 :

Not only learned counsel for the respondents has raised objection vis. a vis. territorial jurisdiction to entertain the instant OA, even otherwise the grounds carved out for condonation of delay of 363 days in filing the accompanied OA have been strongly opposed.

After considering the totality of the facts and circumstances of the present case coupled with the fact that the statutory complaint dated 01.02.2017 moved by the applicant against his non-empanelment for promotion to the rank of Brigadier by No.2 Selection Board (Fresh) held in November, 2015, which has been rejected by the Ministry of Defence vide Order dated 20.09.2017, impugned herein, both the objections raised by learned counsel for the respondents carry no weight. Hence, application is allowed.

Resultantly, delay is condoned in filing the accompanied OA.

M.A. No. 1192 of 2019 stands disposed of accordingly.

OA 611/2019

Heard.

Admit.

Issue Notice. Post-admit Notice to the respondents is waived by Dr. Vijendra Singh Mahndiyan, learned counsel for the respondents. Service is thus complete.

Learned counsel for the respondents states that counter affidavit filed at the pre-admission stage may be taken on record at the post-admission stage also. Statement made at the Bar stands recorded.

Mr. Singh, learned counsel for the applicant seeks four weeks' time to file rejoinder. Granted.

List again on **9th October, 2019**. To be indicated in **'Orders Column'**.

Respondents are directed to keep relevant record of the applicant ready for perusal of the Tribunal on the next date of hearing.

[JUSTICE VIRENDER SINGH]
CHAIRPERSON

[LT GEN PHILIP CAMPOSE]
MEMBER (A)

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