

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

20.

MA 947/2024 in OA 699/2019

Air Cmde S Bhaskaran Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Gp Capt Karan Singh Bhati Sr CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
19.03.2024

The applicant vide the present MA 947/2024 makes the following prayers:-

(a) *Allow the Misc Application by recalling the order dated 20.04.2023 and revive the Original Application No. 699/2019 back to its original number which was disposed off vide order dated 20.04.2023 with further direction to stay the operation dated 09.02. 2024 by directing the Respondents to stay recovery of the pay and pension.*

(b) *Issue any other/further direction as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.*

2. At the outset, on behalf of the respondents learned Sr. CGSC for the respondents draws our attention to orders dated 16.02.2023 and 20.04.2023 in OA 699/2019 which reads to the effect:-

“

ORDER
16.02.2023

On behalf of the respondents has been submitted the communication dated 05.04.2021 no. CAO/10901/1/Lgl/Offr(419) indicating the forwarding of the pay slip to the applicant and that the arrears of payment have been paid in the month of August 2019.

Counsel for the applicant seeks time to seek instructions.

ORDER
20.04.2023

Learned counsel for the applicant submits that grievances of the applicant have been satisfied.

2. In view of the above, the OA stands disposed of.

3. If at all any grievance still subsists, the same may be addressed before an appropriate forum in accordance with law.”

3. It is thus submitted on behalf of the respondents that the present application is not maintainable and the applicant needs to seek redressal appropriately by institution of a fresh OA.

4. On behalf of the applicant reliance and reference is made to Rule 25 of the AFT Procedure Rules, 2008, which reads to the effect:-

*Powers of the Tribunal with regard to certain orders and directions-
Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.*

to thus submit that nothing puts an embargo on the power of this Tribunal to prevent abuse of its process and secure the ends of the justice. Without any observations on the submissions that have been made on behalf of the respondents in relation to the aspect of maintainability of the present application, nevertheless, in the interest of justice and in terms of Rule 25 of the AFT Procedure Rules, 2008, it is considered appropriate to issue notice of the present MA 947/2024 to the respondents and the response to the same be filed by the respondents within a period of four weeks as

prayed. In the meantime, till further directions recoveries if any, sought to be made by the respondents from the applicant in terms of the impugned communication dated 07.02.2024 is stayed.

2. The matter be re-notified for hearing on **30.04.2024**.

The copy of this order be given ***DASTI*** to the respondents for compliance.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C.P. MOHANTY)
MEMBER (A)

/nmk