

**COURT No.3, ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

7.

**OA 246/2014**

**Vijay Singh**

**Vs.**

**UOI & Ors**

.....Applicant

.....Respondents

**For petitioner** : Mr. Sukjinder Singh , Advocate  
**For respondents** : Mr. Karan Singh Bhati, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE V.K. SHALI, MEMBER**

**HON'BLE LT. GEN. S.K. SINGH, MEMBER**

**ORDER**  
**22.03.2017**

In the Original Application, the applicant is claiming reinstatement to the service as well as compensation by way of ex-gratia payment to the tune of Rs.20 lacs apart from disability pension and broadbanding of the same.

2. After a preliminary hearing, we are of the considered view that the OA cannot be decided without directing the applicant to produce evidence in support of his case. Let the applicant file affidavit by way of evidence in support of his case within ten weeks with an advance copy to the respondents. The affidavit should accompany with the list of documents on the basis of which the applicant is alleging that there was medical negligence in his treatment. After the affidavit is filed, the applicant will be subjected to cross examination by the learned counsel for the respondents.

3. Let the matter be put before the Principal Registrar for taking the affidavit as well as proper recording of cross examination of the applicant.

4. Learned Sr. Central Government Standing Counsel Mr. K S Bhati has stated that the OA is not maintainable in as much as there is an inordinate delay in filing the same. The question of delay is not being taken up for the present. It will be taken up at the appropriate stage when the matter is taken up.

5. The Principal Registrar may give date for hearing the matter.

**(JUSTICE V.K. SHALI)**  
**MEMBER (J)**

**(LT. GEN. S. K. SINGH)**  
**MEMBER (A)**