

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

7.

OA 1883/2020

Lt. Col Dharamvir Tolikar (Retd)

.....Applicant

Versus

Union of India & Ors.

.....Respondents

For Applicant

:Ms Neela Gokhale, Advocate

For Respondents

:Gp Capt K S Bhati, Sr CGSC

and Maj Sonali Tiwari, OIC, Legal Cell

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE AIR MARSHAL B.B.P. SINHA, MEMBER (A)

O R D E R

16.12.2020

Respondents have filed certain documents which are taken on record. Copy of the same be supplied to the applicant.

Heard learned counsel for the parties.

Learned Senior counsel for the respondents has explained the background of the case and also challenges the maintainability of the OA. It is further stated that by virtue of present OA, the applicant is seeking stay of the notice dated 08.07.2020 whereby the applicant has been asked to report at 10 HQ Infantry Division from 30.07.2020 onwards and it is stated that this date has already been gone by and therefore, the OA has become infructuous. These submissions are opposed by counsel for the applicant. It will be desirable that a detailed counter affidavit be filed by the respondents including reply on the maintainability of the OA. Same be filed within four weeks with copy to the applicant. Rejoinder, if any, be filed within two weeks thereafter.

Relist on **11.02.2021**.

**[JUSTICE SUNITA GUPTA]
MEMBER (J)**

**(AIR MARSHAL B.B.P. SINHA)
MEMBER (A)**

NK/CHANANA