

COURT NO. 2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video-Conferencing)

15.

MA 3233/2019 in TA 3/2016

In the matter of :

Capt Kashyap Kumar

... Applicant

Versus

Union of India & Ors.

... Respondents

WITH

16.

MA 2773/2021 in TA 3/2016

In the matter of :

Capt Kashyap Kumar

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Ms. Rebecca John, Sr. Advocate
Shri Rishabh Sanchiti , Advocate

For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC with
Mr. D.Praveen, Director Navy-I, DMA

CORAM :

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

HON'BLE VICE ADMIRAL P. MURUGESAN, MEMBER (A)

O R D E R

25.11.2021

MA 2773/2021

Vide this application, respondents seek modification of the order dated 14.09.2021 on the ground that the matter pertaining to grant of pension/ retiral benefits was sent to the competent authority. However, in order to consider the request of the applicant for grant of these benefits, he is required to furnish the order passed by CBI Court accepting the closure report submitted by CBI. On receipt of the said order from CBI

Court, respondents would consider the case of the applicant for grant of retiral benefits on merits. On behalf of the applicant Ms. Rebecca John, Sr. Advocate has appeared and states that FIR was registered by CBI in the year 2006. Since there was no progress in the matter, Writ Petition bearing No. 2762/2016 was filed before Hon'ble Delhi High Court wherein counsel for the CBI made a statement that so far as CBI is concerned, they have closed the case against the applicant and on his statement, Writ Petition was disposed off. She further submits that thereafter closure report was submitted by CBI to the court.. However, the same is still pending. Now the matter is between CBI and the Court and the applicant has no locus in the matter.

Passing of these orders by Hon'ble Delhi High Court has been admitted by Capt. K.S. Bhati, Sr. CGSC.

However, he submits that when the matter along with the order was sent to Ministry of Defence, they require the closure report. Shri Bhati, Sr. CGSC submits that three weeks' time be granted for considering the matter in the light of these orders. As such, on his request re-list on **13.01.2022**.

[JUSTICE SUNITA GUPTA]
MEMBER (J)

[VICE ADMIRAL P. MURUGESAN]
MEMBER (A)

/sm/ap