

**COURT No.1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

13.

OA 607/2016

Maj Amarjeet Singh Virk (Retd) **Applicant**
Versus
Union of India & Ors. **Respondents**

For applicant : Applicant in person with Mr. J.P. Sharma
Vice counsel for Mr. V.S.Kadian Advocate
For respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM:

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

ORDER
19.05.2017

Maj. Amarjeet Singh Virk (Retd) appearing in person states that may be his counsel Mr. V.S. Kadian is not available to address the Court on account of his personal reasons, but he is ready with the case and in a position to assist the court on all counts.

2. It is a case in which the applicant is seeking war injury pension for which the entire record available with the respondents relating to the applicant requires to be placed before the Court for arriving at the just conclusion of the case. The respondents are not in possession of the same. It is not in good taste. The instant matter, in terms of order dated 23.02.2017 was adjourned to 13.04.2017 for arguments on which date it was not heard as the Bench had not assembled. We, in any case, will not be in a position to hear it today at least, there being no assistance on behalf of the respondents on account of non-availability of the record relating to the applicant. In any case, the matter at hand has to be adjourned for one date at least, making it clear that if on the next date of hearing, the respondents do not assist the court by producing the relevant record, it shall be presumed that whatever is averred in the instant application and the documents attached thereto are true on facts.

3. Granting one more opportunity to the respondents to produce the record, we adjourn the instant matter to **04.07.2017**. Long date is given on account of ensuing summer vacation of four weeks.

4. To be indicated in **“final hearing column”**. Meanwhile the applicant may file rejoinder, if he so chooses to the counter the affidavit already filed by the respondents.

(VIRENDER SINGH)
CHAIRPERSON

(SANJIV LANGER)
MEMBER (A)

19.05.2017-brh

