

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

19

OA 1862/2023 with MA 2688/2023

Ex HA (U/T) Aman Tomar & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ved Prakash &
Mr. Devendra Kumar, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
17.07.2023

The prayers made vide the present OA are to the effect:-

*“(a) Direct the respondents to place on record answer sheets of all examination and re-examination of the applicants from A to E term along with attendance sheets
(b) Quash the Impugned Order INS Valsura Gx No. 2201050/S, Gx No. 2201046/S, Gx No. 2201047/s and Gx No. 2201052/S dated 20.09.2022.
(c) Direct respondents to Re-Instate the applicants with all consequential benefits.
(d) Direct the respondents to change the branch of the applicant.
(e) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the applicants and against the respondents.”*

Along with the same is MA 2688/2023 filed on behalf of the applicant nos. 1 to 4 under Rule 4(5) of the AFT (Procedure) Rules 2008 seeking permission to join together to file a single OA.

On a perusal of the OA and the submissions that are made there, it is apparent that the cause of action in relation to each of the applicants has to be adjudicated separately. The OA is thus taken on record only in relation to Ex Hav (U/T) Aman Tomar i.e. the applicant no. 1. *Qua* applicant nos. 2, 3 and 4 the OA is dismissed as withdrawn with liberty granted to the applicant nos. 2, 3 and 4 to seek redressal by filing the OA afresh individually on the same cause of action in accordance with the law. Notice of the OA 1862/2023 in relation to applicant no. 1 is issued to the respondents, accepted on their behalf.

Counter affidavit with the complete RMB proceedings inclusive of clinical assessment as well as the response to MA 2687/2023 be filed by the respondents within a period of four weeks.

Rejoinder, thereto be filed by the applicant within a period of four weeks thereafter.

List the matter before the Principal Registrar on **25.09.2023** for completion of pleadings and before the Bench thereafter.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**

