

12

**COURT NO. 3, ARMED FORCES TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
T.A. No. 153 OF 2009**

**WP(C) No. 3079 OF 1995 of Delhi High Court  
IN THE MATTER OF :**

**Maj. R.S. Bath**

**.....Applicant**

**VERSUS**

**Union of India & Others**

**.....Respondents**

**Dated: 14-12-2009**

Present:     None for the Applicant.  
                 Col. Devender Singh on behalf of the Respondents.

Perused the record. The notices issued to the Applicant as well as counsel for the Applicant on the previous dates received back unserved with the remarks that "no such person on this address". Learned officer appearing on behalf of the Respondents submits that Applicant has been retired from service long back in the year 2005. The main controversy of the present case raised by the Applicant pertains to promotion from Major to Lt. Col. He further states that Applicant's case was considered twice for promotion but he was not found fit for the promotion. He further submits that they are not having any fresh address of the Applicant as Applicant has retired from service long back.

Considering to the facts of the case and submissions made by the learned officer of the Respondents as none appeared on behalf of the Applicant despite notice and no other fresh address is available with the Respondents, no fruitful purpose shall be served in keeping this case pending. Hence, in these circumstances case is dismissed for non prosecution. File be consigned to Record Room.

**MANAK MOHTA,  
(Judicial Member)**

**Z.U. SHAH,  
(Administrative Member)**

**Dated: 14-12-2009**