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**COURT NO. 3, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

T.A. No. 314 OF 2009

(WP(C) No. 2099 OF 1997 of Delhi High Court)

IN THE MATTER OF :

Nk. Ajit Singh

.....Applicant

VERSUS

Union of India & Others

.....Respondents

Dated: 03-02-2010

Present: Mr. K. Ramesh, Counsel for the Applicant.

Ms. Rashmi Singh, proxy for Maj (Rtd.) Mohan Kumar, counsel
for the Respondents.

Heard and perused the record.

Learned counsel for the Applicant submits that at this stage he does not want to press the present application on merits and wants to withdraw the same with the liberty to file a petition before the Hon'ble President of India under Section 113(a) of the Pension Regulations for the Army 1961. He further submits that since the Applicant has put in 15 years 29 days of unbroken service without any adverse remarks/red ink entry before he was declared deserter, therefore, his petition, if any, filed before the Hon'ble President of India, be decided with a sympathetic view. On the other hand, learned proxy counsel for the Applicant has no objection in withdrawal of the application by the Applicant. However, she submits that if any petition is filed by the Applicant before the Hon'ble President of India, the same will be decided as per law.

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Considering the facts of the case and above submissions, without observing anything on the merits of the case, present application is dismissed as withdrawn with the liberty to the Applicant to file a petition before the Hon'ble President of India under Section 113(a) of the Pension Regulations for the Army 1961. Application is disposed of accordingly.

File be consigned to the Record Room.

MANAK MOHTA,
(Judicial Member)

Z.U. SHAH,
(Administrative Member)

Dated: 03-02-2010

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Dated: 03-02-2010

Present: Mr. K. Ramesh, Counsel for the Applicant.

Mr. Anil Gautam, proxy for Maj (Rtd.) Mohan Kumar, counsel for
the Respondents.

Heard and perused the record.

Learned counsel for the Applicant submits that at this stage he does not want to press the present application on merits and wants to withdraw the same. He further submits that Applicant wants to file a petition before the Hon'ble President of India under Section 113(a) of the Pension Regulations for the Army 1961 for considering his case for pensionary benefits sympathetically as the Applicant had put in 15 years 29 days of service in Army before he was declared deserter. On the other hand, learned proxy counsel for the Respondents has no objection in withdrawal of the application by the Applicant. However, it is submitted that if any such petition is filed by the Applicant, the same will be decided as per law.

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Considering the facts of the case and above submissions, without observing anything on the merits of the case, present application is dismissed as not pressed. The Applicant is free to file a petition before the Hon'ble President of India under Section 113(a) of the Pension Regulations for the Army 1961. Application is disposed of accordingly.

File be consigned to the Record Room.

MANAK MOHTA,
(Judicial Member)

Z.U. SHAH,
(Administrative Member)

Dated: 03-02-2010