

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

17.

T. A. No. 440 of 2010

Writ Petition (Civil) No. 9919 of 2009

Ex. Hav./Clk. Ram Chander

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. S. R. Kalkal, Advocate.

For respondents: Sh. Ankur Chhibber, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

13.07.2011

1. Petitioner by this petition has prayed that a writ of mandamus may be issued to the respondents to promote the petitioner with immediate effect with all consequential service benefits i.e. notional seniority and financial seniority and he has further prayed that the order dated 14th November 2007 be quashed being false, arbitrary and illegal.

2. Learned counsel for the respondents has submitted that a writ petition was filed by the petitioner with identical prayers before the Lucknow Bench of the High Court of Allahabad and that was dismissed on 24th December 2007. Petitioner did not mention this fact in this petition that he filed a writ petition with similar prayers and same was dismissed. Therefore petitioner is guilty of suppression of material facts. Learned counsel for the petitioner also admits that petitioner did not tell him about this fact and only told him that he file some interim application. Now a copy of

the order has been placed before us. It appears that the petitioner did file a petition and it was dismissed on merits by the Lucknow Bench of the Allahabad High Court.

3. The petition is dismissed for suppressing the material facts with costs of Rs.5000. The Principal Registrar is directed to ensure payment of costs by the petitioner. Copy of the order of the Allahabad High Court be kept on record.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
July 13, 2011