

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

1.

AT 47/2014

In CA 7/2014 with MA 703/2014

In OA 29/2014 (Kolkat Branch)

Lt Col Mukul DevPetitioner

Versus

UOI & OrsRespondents

For petitioner : Mr Rajiv Manglik, Advocate

For respondents : Mr Anil Gautam, Advocate

In Chamber

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON.

O R D E R

10.12.2014

The petitioner has filed one contempt application CA No.7/2014 in OA 29/2014 decided by the Armed Forces Tribunal, Regional Bench, Calcutta. The contempt application has been filed before the Armed Forces Tribunal, Principal Bench, New Delhi, with application under rule 6 seeking permission to file the contempt application before the Principal Bench of the Tribunal due to vacancies of the Members at Calcutta. Petitioner's application under rule 6 being MA 703/2014 has been allowed today vide separate order and petitioner has been permitted to file the contempt application before the Principal Bench of the Tribunal.

2. This application for transfer (AT) No.47/2014 has been filed with the prayer that since the Calcutta Bench is non-functional due to the vacancies of


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the Members, therefore, the contempt application CA 7/2014 may not be sent to the Calcutta Bench of the Tribunal and may be kept for disposal by the Principal Bench of the Tribunal.

3. Learned counsel for the Union of India submitted that against the Calcutta Bench of the Tribunal's order dated 19.09.2014 passed in OA 29/2014, the Union of India has submitted an appeal for grant of leave to appeal before Hon'ble Supreme Court under section 31 of the Armed Forces Tribunal Act 2007, which is pending before the Calcutta Bench of the Tribunal. Learned counsel for the Union of India submitted that the said application for grant of leave to appeal may also be transferred to the Principal Bench of the Tribunal for the same reason as stated above.

4. Since the Calcutta Bench of the Tribunal is non-functional due to the vacancies of the Members of the Regional Bench, Calcutta, therefore, AT 47/2014 is allowed and it is ordered that, CA No.7/2014 filed in OA 29/2014 shall be deemed to have been transferred to the Principal Bench of the Tribunal for purpose of deciding it in accordance with the law.

5. For the same reasons, the Union of India's application for grant of leave to appeal filed under section 31 of the Armed Forces Tribunal before the Armed Forces Tribunal, Regional Bench, Calcutta, is also hereby transferred to the Principal Bench of the Tribunal for deciding in accordance with the law.

6. Copy of this order be sent to the Armed Forces Tribunal, Regional Bench, Calcutta, for sending the record of the OA 29/2014. The application

for grant of leave to appeal, filed in the said OA 29/2014 (Calcutta) by the Union of India may be listed before the appropriate Bench. The CA 7/2014 as prayed may be placed before the Bench on **16.12.2014**.

(PRAKASH TATIA)
CHAIRPERSON

Dated the 10th Dec., 2014
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