

COURT No. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
(Through Virtual Hearing)

27.

MA 1802/2021 in OA 808/2015

Ex Cdr Shashi Kumar

.....Applicant

Versus

Union of India & Ors.

.....Respondents

For Applicant : Mr. D J Singh, Advocate

For Respondents : Mr. V S Tomar, Advocate

CORAM:

HON'BLE MS.JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT. GEN. P.M. HARIZ, MEMBER (A)

O R D E R

02.09.2021

Present application has been filed by the applicant seeking clarification of the order dated 27.07.2021 whereby it was observed that there were two more OAs i.e., OA 21 and 32 of 2016 pertaining to other applicants relating to the same incident. As such, it will be desirable that all the three matters are disposed of together and therefore, the judgment which was reserved in the present OA was de-reserved.

It is submitted by counsel for the applicant that the case pertaining to the applicant and the other two sailors are entirely different as the applicant was tried by court-martial whereas the sailors were tried summarily on distinct and different charges.

Counsel for the respondents concedes to this position and submits that the present OA has nothing to do it with the other two OAs. However, the matter was heard by the Bench comprising of Hon'ble Ms. Justice Sunita Gupta and Hon'ble Air Marshal BBP

Sinha and Mr. Sinha has now demitted this office, therefore, the matter requires rehearing.

In this view of the matter, the application is disposed off with the observation that since the trial of all the three applicants in the three different OAs was different, therefore, this OA can be decided separately. However, it will have to be reheard as and when physical hearing starts.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT. GEN. P.M. HARIZ)
MEMBER (A)

nk/ap