

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

13

OA 1815/2023 with MA 2626/2023

Ex HA (U/T) Sachin Kumar & Ors.

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant : Mr. Ved Prakash &
Mr. Devendra Kumar, Advocate
For Respondents : Mr Prabodh Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

14.07.2023

The first case of the applicant Sachin Kumar is taken up.

2. At the outset, it is essential to observe that alongwith the OA, an MA No. 2626/2023 is filed on behalf of applicant No. 1 to 3 under Rule 4(5) of the Armed Forces(Procedure) Rules, 2008 for joining together to file a single OA on the ground that the applicants have the same grievance and the same cause of action and the nature of relief they are seeking is similar. All the persons were discharged from the Indian Navy and their Record Office is also the same. It is essential to observe that the submissions that have been made through this OA are *inter alia* to the effect that the applicants had failed in few exams. However, they cleared these exams in re-

examination and successfully cleared A to E term. Considering all aspects of the matter, the prayer made in the OA 1815/2023 in relation to Sachin Kumar is taken up for consideration. The prayers in respect of co-applicants i.e. Ex HA Shital Kumar and Ex HA Than Singh are dismissed as withdrawn with liberty to file the same separately in accordance with law. Notice of the OA is accepted by Mr. Prabodh Kumar, learned counsel appearing on behalf of the respondents. He seeks and is granted four weeks' time to file the counter affidavit. Rejoinder, if any, may be filed within four weeks thereafter. The MA 2626/2023 is disposed of accordingly.

3. Re-list before the Court of the Principal Registrar for completion of the pleadings on 25.09.2023 and thereafter before the Bench.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

CHANANA