

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

16.

MA 1456/2024 in OA 1049/2023

Lt Col Ajay Kumar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Piyush Thakran &
Udghosh Thakran, Advocates
For Respondents : Gp Capt Karan Singh Bhati, Sr CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

ORDER
08.04.2024

The applicant vide the present MA makes the following
prayers:-

"a. In the interim, the respondents be directed to allow the applicant to sit in the exam as scheduled on 14 Apr 2024 for grant of study leave and if selected, the same may be subject to the outcome of this OA. The said order may be passed in the light of the previous order as Annexed as Annex M1.

b. Any other order which the Hon'ble Tribunal may be pleased to pass in the light of the present facts and circumstances of the case."

Notice thereof is issued and accepted on behalf of the respondents. The applicant in the instant case is allowed to appear in the exam as scheduled on 14.04.2024 for grant of study leave provisionally subject to final outcome of the OA.

2. On behalf of the respondents it is submitted that a detailed counter affidavit is sought to be filed to the OA to which a

submission was made on behalf of the applicant that on 22.12.2023 it was submitted on behalf of the respondents that they have filed an affidavit classified as a short affidavit and it was stated by Ld. Senior CGSC that the same be treated as reply on merits.

3. On behalf of the respondents it is however submitted that they seek to file a detailed counter affidavit in response to averments made by the applicant in the OA. The said prayer made by the respondents in the interest of justice is allowed. The detailed counter affidavit be filed by the respondents within four weeks. Rejoinder, if any, thereto be filed by the applicant within two weeks thereafter.

4. List the OA on 29.05.2024 already listed.

5. Copy of this order be given *DASTI*.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C. P. MOHANTY)
MEMBER (A)