

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

1.

AT 63/2024 IN OA 3297/2024 (PB)

Col Akshaya Kumar Shukla		Applicant
Versus		
Union of India & Ors.		Respondents

WITH

2.

MA 3795/2024 IN AT 48/2024
OA 130/2023 (RB Chandigarh)

Col Akshaya Kumar Shukla		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. Anand Kumar, Advocate
	:	Mr. Piyush Thakran, Advocate
For Respondents	:	Gp Capt Karan Singh Bhati, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

ORDER
20.09.2024

MA 3795/2024

This application has been filed by Union of India under Section 25 of the Armed Forces Tribunal Act, 2007 seeking recalling of an order dated 2nd August, 2024 passed by the undersigned in exercise of his Administrative powers in AT 48/2024 in OA 130/2023 (RB, Chandigarh) transferring OA 130/2023 from Regional Bench, Chandigarh to the Principal Bench, New Delhi

2. OA 3297/2024 between the same parties is pending before this Tribunal which was heard by a Bench consisting of the

Hon'ble Chairperson and Hon Lt Gen C.P. Mohanty, Member (A) on 30th August, 2024 and on the Chairperson's resucing himself from hearing of the matter on account certain reasons, the matter is now to be listed before the appropriate Bench.

3. Taking note of the convenience of the applicant and the law laid down in the case of Capt G. Vivekanand Vs. Union of India and Ors. (OA 460/2015) decided on 11th September, 2015 [(2023) 1 AFTLJ 126 (Delhi)], the order in question transferring OA 130/2023 from Regional Bench, Chandigarh to Principal Bench was passed. That being so, no case for recalling of the order dated 2nd August, 2024 passed in AT 48/2024 is made out. Therefore, MA 3795/2024 is dismissed.

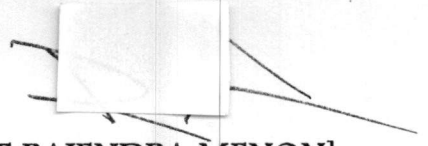
AT 63/2024 IN OA 3297/2024

4. This application has been filed by Union of India under Section 27 of the Armed Forces Tribunal Act, 2007 for transfer of OA 3297/2024 pending before this Tribunal to Regional Bench, Chandigarh on the ground that OA 130/2023 filed by the applicant on similar grounds as pleaded in OA 3297/2024 is pending before the Regional Bench, Chandigarh.

5. In view of the orders already passed in AT 48/2024 on 2nd August, 2024 transferring OA 130/2023 to the Principal Bench and taking note of the law laid down in the case of Capt G. Vivekanand Vs. Union of India and Ors. (OA 460/2015) decided on 11th September, 2015 [(2023) 1 AFTLJ 126 (Delhi)], no case for transfer of OA 3297/2024 pending before the Principal

Bench, New Delhi to Regional Bench, Chandigarh is made out.

AT 63/2024 is accordingly dismissed.



[JUSTICE RAJENDRA MENON]
CHAIRPERSON

/vks/