

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

96.

MA 4496/2024 with MA 4454/2024 in OA 1563/2018

Ex WO R B Sharma Through Smt Sashi Sharma Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Sukhbir Singh for
Mr. Virender Singh Kadian, Advocate
For Respondents : Gp Capt K K Tyagi Sr CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
15.10.2024

This application has been filed for bringing the legal heir of the deceased Ex WO RB Sharma on record. It is stated that the order passed by this Tribunal in OA 1563/2018 in favour of Ex WO RB Sharma be corrected and the legal heir of Ex WO RB Sharma be brought on record.

2. This application is filed by the legal heir of Ex WO RB Sharma namely his wife Smt Shashi Sharma, however, on perusal of the application and the death certificate submitted alongwith application indicated that Late WO RB Sharma expired on 10.08.2019 and the death certificate was issued on 01.10.2019. It is therefore, apparent that on the day when the OA was allowed i.e. 31.05.2023, WO RB Sharma was not alive and the order has been passed in favour of the deceased person which is nullity in law and therefore, bringing legal heirs on record in such a

manner is not permissible. The applicant should file an appropriate application seeking abetment of the order after death of the applicant. Taking note of the aforesaid, we exercise our suo mote powers to recall the order passed on 31.05.2023 in OA 1563/2018 and direct that the OA filed is disposed of and abetted on account of the death of the applicant on 10.08.2019. The applicant is however, at liberty to file an application for setting aside the abetment and restoring OA for prosecution.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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