

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

89.

MA 4993/2024 with MA 4994/2024 in OA 1873/2017

Ex Rect. Chef Mess Ashok Kumar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Indra Sen Singh, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

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

ORDER
20.11.2024

MA 4993/2024 with MA 4994/2024

This application has been filed for bringing legal heirs of the deceased applicant (Ex Rect. Chef Mess Ashok Kumar) on record on the ground that Ashok Kumar has been expired on 07.10.2023. Records indicate that OA 1873/2017 filed by Late Ashok Kumar was heard by a bench of this Tribunal and decided on merit when the original applicant was alive on 31.05.2023, i.e., five months before his death.

2. That being so, as OA has been dismissed when the applicant was alive and there is no provision for bringing his LR on record after dismissal of the petition. In case legal heirs of the original applicant have any grievance with regard to the manner in which the OA was decided, the only remedy available to them is to challenge the order passed by this Tribunal before the Hon'ble

Delhi High Court. That apart once the OA has been dismissed on merit during the lifetime of original applicant, there is no provision for bringing legal representative on record and, therefore, this application is not maintainable.

3. MA accordingly, stands dismissed. _____

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Priya
MA 4993/2024