

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

2.

MA 5148/2023 in OA 1535/2023

PO ASWI(W) Hemant Kumar Sharma Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Kartik Dabas &
Akshat Kulshreshtha, Advocate
For Respondents : Mr. Satya Ranjan Swain, Advocate with
Mr. Ankush Kapoor, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
09.01.2024

MA 5148/2023 has been filed on behalf of the applicant
making the following prayers :-

*"A. Issue Directions to set aside the adverse remarks in the
counseling register of the Applicant for the time period of
01.10.2021 - 14.06.2022 wherein he was serving onboard
Sindhuratna MRLC Project.*

*B. Issue Directions to re-assess the Character and Efficiency of the
Applicant to VG and Super instead of VG to Satisfactory as
redressed by the Respondents, for the time period of
01.10.2021 14.06.2022 wherein he was serving onboard
Sindhuratna MRLC Project (for the year 2021)*

*C. Issue directions to the Respondents to compensate Rs 25,00,000/-
(Rupees 25 lakhs) to the Applicant for monetary loss suffered
due to the arbitrary and unfair withdrawal from deputation
and the loss and damage to the career of the Applicant for loss*

*of sea service points from the unfair withdrawal from
Sindhuratna MRLC Project.*

*D. Pass any other order in the interests of justice, equity and good
conscience."*

A bare perusal of the said application indicates that there are additional facts that the applicant seeks to bring record apart from prayers seeking an amendment in the prayer clauses of the OA 1535/2023. Undoubtedly so far, the respondents have not chosen to file their response to the OA 1535/2023 as initially filed. However, in as much as the additional facts that the applicant seeks to bring on record, would be germane to the adjudication of the *lis*, the prayer made now on behalf of the applicant seeking to withdraw both MA 5148/2023 in OA 1535/2023 seeking liberty to file the OA afresh with additional facts and additional prayers is allowed and the OA 1535/2023 with MA 5148/2023 is thus dismissed as withdrawn as prayed, with liberty granted to the applicant to seek redressal afresh in accordance with law by filing an OA with additional facts and prayers as sought to be made, which if any filed, would be dealt with in accordance with law.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)