

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI

O.A. No.24 of 2013

Tuesday, the 02nd day of July, 2013

THE HONOURABLE JUSTICE V. PERIYA KARUPPIAH
(MEMBER-JUDICIAL)

AND

THE HONOURABLE LT GEN (RETD) ANAND MOHAN VERMA
(MEMBER – ADMINISTRATIVE)

Smt. Sartaj Begam
Mother of – Late Sep. Rafivulla Baig (Ser.No.2794123 – F),
Aged about 53 years,
House No.7-454, Sivalayam Bazar (near Police Station),
Village & Post, - Kariapalam, Mandal & Tahasil – Bapatla,
District – Guntur (A.P.), Pin – 522 111.

.. Applicant

By Legal Practitioner:
M/s. M.K. Sikdar & S. Biju

Vs.

1. Union of India,
Rep. by – Integrated HQ of MOD (Army),
Adjutant General Branch,
Addl Dte Gen Personnel Services,
New Delhi-110 011.
2. The Officers-in-Charge,
Records, Maratha Light Infantry,
Belgaum, Pin – 590 009.
3. The Director Recruiting
Army Recruiting Office
Post – Pattabhipuram, Ravindra Nagar,
Guntur, (A.P.), Pin – 522 006.
4. Smt. Ishraad Begum,
Widow of – Late Sep, Rafivulla Baig (Ser.No.2794123 – F),
House NO.14-4-75, Pothurivarithota, 4th Line,
Post/Tehsil/District- Guntur (A.P.), Pin – 522 001.

... Respondents

Mr. B. Shanthakumar, SPC,
for R1 to R3.

Mr. M. Selvaraj,
Counsel for R4.

ORDER

(Order of the Tribunal made by
Hon'ble Justice V.Periya Karuppiah, Member-Judicial)

1. Heard Mr. S. Biju, Learned Counsel for the applicant and Mr. B. Shanthakumar, Learned Senior Panel Counsel assisted by Captain Vaibhav Kumar, Learned JAG Officer appearing for the respondents 1 to 3, and Mr. M. Selvaraj, Learned Counsel appearing for the 4th respondent.
2. While addressing the arguments on behalf of the applicant, the Learned Counsel for the applicant Mr. S. Biju, wants to withdraw the Original Application with liberty to file a fresh O.A. on the same cause of action. To that extent he wanted to make endorsement on the back of the O.A. Accordingly, he was permitted to do so.
3. Endorsement was made by the Learned Counsel for the applicant on the back of the Original Application withdrawing the O.A. with liberty to file a fresh O.A. on the same cause of action. We have perused the endorsement.

4. On consideration of the submission of the Learned Counsel for the applicant and the contents of the endorsement made on the back of the Original Application, we are inclined to give permission to the applicant to withdraw the O.A. with liberty to file a fresh O.A. on the same cause of action.

5. Accordingly, the Original Application is dismissed as withdrawn with liberty to file a fresh O.A. on the same cause of action. Time for filing such application is three months from today. No costs.

Sd/-
LT GEN (Retd) ANAND MOHAN VERMA
MEMBER (ADMINISTRATIVE)

Sd/-
JUSTICE V. PERIYA KARUPPIAH
MEMBER (JUDICIAL)

02.07.2013
(True Copy)

Member (J) – Index : Yes/No

Internet : Yes/No

Member (A) – Index : Yes/No

Internet : Yes/No

To:

1. Union of India,
Rep. by – Integrated HQ of MOD (Army),
Adjutant General Branch,
Addl Dte Gen Personnel Services,
New Delhi-110 011.
2. The Officers-in-Charge,
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House NO.14-4-75, Pothurivarithota, 4th Line,
Post/Tehsil/District- Guntur (A.P.), Pin – 522 001.
5. Mr. M.K. Sikdar & S. Biju
Counsel for applicant.
6. Mr. B. Shanthakumar, SPC,
for R1 to R3.
7. Mr. M. Selvaraj,
Counsel for R4.
8. OIC, Legal Cell (Army),
ATNK&K Area,
Chennai-9.
9. Library, AFT, Chennai.

HON'BLE JUSTICE V. PERIYA KARUPPIAH
(MEMBER-JUDICIAL)
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