

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

I.A.No.17/2011 in T.A.No.120 of 2009

(W.P(C)NO.20416/2008 OF THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM)

WEDNESDAY, THE 14TH DAY OF DECEMBER, 2011/23rd AGRAHAYANA, 1933

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGHAPERUMAL ADITYAN, MEMBER (J)
HON'BLE LT. GEN. THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

Lt.V.T.MATHEWS (Retd.)
VADAKADATH, PAROTTUKONAM,
NALANCHIRA P.O.,
THIRUVANANTHAPURAM – 695 015.
MENTALLY UNSOUND REPRESENTED BY
HIS MOTHER MRS.ANNIE MATHEWS,
RESIDING AT THE SAME ADDRESS.

PETITIONER/APPLICANT

BY ADV. SRI.P.V.SURENDRANATH.

VERSUS

1. UNION OF INDIA REP. BY ITS
SECRETARY, MINISTRY OF DEFENCE,
GOVT. OF INDIA, NEW DELHI.

2. CHIEF OF NAVAL STAFF,
NAVAL HEADQUARTERS,
SENA BHAVAN, NEW DELHI.

RESPONDENTS/RESPONDENTS

3. PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSION),
DRAWPATHI GHAT, ALLAHABAD.

4. CONTROLLER OF DEFENCE ACCOUNTS (NAVY)
PENSION CELL, MUMBAI – 400 039.

5. PRINCIPAL DIRECTOR (PAY & ALLOWANCES)
NAVAL HEAD QUARTERS, SENA BHAVAN,
NEW DELHI.

6. DIRECTOR, PAY AND ALLOWANCES,
NAVAL HEAD QUARTERS, SENA BHAVAN,
NEW DELHI.

7. COMMANDING OFFICER & PRESIDENT,
MEDICAL BOARD, INHS SANJEEVANI
NAVAL BASE, KOCHI – 682 004.

8. COMMANDANT, BASE HOSPITAL,
DELHI CANTT – 110 010.

BY GOVT. ADV. SRI.S.KRISHNAMOORTHY, SR.P.C.

ORDER

A.C.A.Adityan, Member (J)

Heard the learned counsel for the applicant.

2. This is an application to amend the pleadings and reliefs in T.A.No.120/2009. We went through the affidavit to the application. According to the applicant, he has been furnished with copies of Ext.P18, P19 and P20 medical opinions, only after he filed W.P.(C) No.20416 of 2008 before Hon'ble High Court of Kerala. The amendment sought for, in our considered view, even if allowed, will not change the character of the case/suit. Under such circumstances, I.A.No.17/2011 is allowed.

3. Registry is directed to carry out the amendments in three days. The amended copy of the application to be furnished to the other side within 10 days. Additional counter, if any, to be filed by 16/1/2012.

Sd/-
LT.GEN.THOMAS MATHEW
MEMBER (A)

Sd/-
JUSTICE A.C.A.ADITYAN
MEMBER (J)

mds/