

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A.NO.22 OF 2010
along with
I.A. Nos.13/2010, 11/2010 and 96/2010

TUESDAY, THE 7TH DAY OF FEBRUARY, 2012/18TH MAGHA, 1933

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGAPERUMAL ADITYAN, MEMBER (J)

HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

NO.7043527. RANK HMT P.N. DAMODHARAN, AGED 70,
NADUVIL VEEDU, (VISHAK NIVAS), AROOR P.O.,
PIN 688 534, DIST. ALLEPPEY, KERALA STATE.

APPLICANT:

BY ADV. SRI. N.D. JOY.

versus

1. UNION OF INDIA, REPRESENTED BY THE
SECRETARY, MINISTRY OF DEFENCE,
NEW DELHI.

2. THE CHIEF OF THE ARMY STAFF, ARMY HEADQUARTERS,
SENA BHAVAN, NEW DELHI.

RESPONDENTS:

R1 & R2 BY SR. PANEL COUNSEL SRI. K.M. JAMALUDEEN.

ORDER

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

O.A. No.22 of 2010 is for grant of disability pension. From the materials placed before this Tribunal by the learned Senior Panel Counsel Sri.K.M.Jamaludeen, appearing for the respondents, it is seen that applicant had already moved the Honourable High Court of Kerala at Ernakulam for the same relief by way of filing W.P.(C) No.205 of 2004 and the same was

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dismissed by the Honourable High Court. Under such circumstances, this O.A. No.22 of 2010 is hit by the principles of 'res judicata'. The learned counsel appearing for the applicant has come forward to withdraw this application with a liberty to file a fresh application on a different cause of action and an endorsement made to that effect. Under such circumstances, O.A. No.22 of 2010 is dismissed as withdrawn.

I.A. Nos.13 of 2010 and 11 of 2010 are dismissed.

IA No.96 of 2010, the application to condone the delay in filing the reply statement is closed.

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

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

DK.

(True copy)

Prl. Private Secretary

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REGIONAL BENCH, KOCHI.

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ORDER

DATED: 07.02.2012