

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

M.A. No. 976 of 2022 Inre : O.A. No. 880 of 2021

Lt. Col. Awadhesh Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Respondents

Union of India & Others
By Legal Practitioner for Respondents

Notes of
the
Registry

22.09.2022

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

M.A. No. 976 of 2022

Heard Shri Puru Mudgal, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.

This application has been filed praying for fixing an early date of hearing in the Original Application.

Ld. Counsel for the applicant submits that applicant has filed an interim application for issuing direction to the respondents to allow him to report to his parent Unit i.e. Base Hospital, Lucknow after lifting the attachment order to DRC, Faizabad.

This application came up for hearing before us on 11.07.2022 and while keeping the GCM proceedings against the applicant in abeyance no order was passed in regard to lifting of attachment on the premise that this order has been passed in respect of charge-sheet dated 02.01.2022, which has not been challenged in the Original Application. Ld. Counsel submits that applicant has filed a separate amendment application being Misc. Application No. 969 of 2022 to amend the Original Application, however, hearing on the said application could not be made till date. The Original Application is listed for hearing on 20.10.2022. He further submits that despite General Court Martial proceedings being kept in abeyance against the applicant, he is not allowed to report to his parent Unit, rather has been confined to DRC, Faizabad.

On the other hand, Ld. Counsel for the respondents submits that early hearing application should not be allowed as paper-book of the case is not available with him.

It appears that interim application for lifting attachment of the applicant from DRC, Faizabad was filed on 05.05.2022. Taking a note of this and prayer made, we think it proper to hear the matter. Application is, therefore, **allowed**.

Original Application be listed tomorrow i.e. **23.09.2022**.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
Member (A) Member (J)

AKD/-