

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 11)

M.A. No. 600 of 2024 Inre: O.A. No. 478 of 2023

Ex Sub Fayaz Khan Applicant
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate
Shri JL Joel, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2024</u> <u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents and Shri JL Joel, Ld. counsel for Intervenor, are present.</p> <p><u>M.A No. 600 of 2024</u></p> <p>2. This intervention application has been moved by the Intervenor, Army Group Insurance Fund in O.A No. 478 of 2023 for early listing of this O.A and hearing the Intervention application which has been moved to call for complete record of the complaint case bearing No. 181 of 2022 titled Fayaz Khan Vs. OIC Records & Others pending before the District Consumer Dispute Redressal Commission (DCDRC), Shahjahanpur, U.P, transfer to this Tribunal and to adjudicate the same with present O.A.</p> <p>3. Since the O.A is listed today for hearing, the application for early listing has become infructuous and is dismissed as infructuous.</p> <p>4. Ld. counsel of the applicant of Original Application has vehemently opposed the Intervention application and submitted that nowhere in the application it has been mentioned, in which provision the instant application has been moved. It is also submitted that the records of the complaint case in DCDRC cannot be recalled because both the matters are different.</p> <p>5. Ld. counsel for the respondents submits that he has no objection in recalling the complaint case.</p> <p>6. It is mentioned in the Para 1.3 of the Intervention application that in the complaint before the DCDRC following reliefs have been sought:</p> <p style="margin-left: 40px;">(a) <i>Mandamus directing to Respondents should pay the disability cover a sum of Rs. 9,37,500/- with rate of interest 24% P.A which has been stilled off by respondents.</i></p> <p style="margin-left: 40px;">(b) <i>Mandamus directing to Respondents should pay the compensation of Rs. 10,00,000/- to the complainant proper damages for the mental harassment caused by the opposite party on prosecuting his claim that the subject</i></p>

	<p><i>matter is relate to guilty of unfair trade practices or unscrupulous exploitation of consumers, violation of consumer education, deficiency of service and Breach of Contract.</i></p> <p><i>(c) Any other mandatory Forum may be deem adequate in interest of Consumer Protection Act 1986 and THE CONSUMER PROTECTION ACT, 2019.</i></p> <p>7. In Original Application pending before this Tribunal, the following reliefs have been sought:</p> <p class="margin-left: 40px;">(A) <i>To issue/pass an order or directions of appropriate nature to the respondents to quash Respondent's letter No. 2118/Med/RA/02 dated 12 Feb 2018 (Discharge Order) and JCJC478607/Claim/NE dated 21 Sep 2022 being illegal and arbitrary in nature.</i></p> <p class="margin-left: 40px;">(B) <i>To issue/pass an order directions of appropriate nature to the respondents to treat applicant notionally in service for the period from 01 Sep 2018 to 31 Jan 2023 (Date of Superannuation) in continuation with previous service rendered by him for all the purposes and release all consequential benefits.</i></p> <p class="margin-left: 40px;">(C) <i>Any other relief as considered proper by the Hon'ble Tribunal be awarded in favour of the applicants.</i></p> <p>8. Perusal of reliefs in both the cases show that the matter is different.</p> <p>9. In Para 2 of the Intervention application, it is mentioned that the applicant has already moved application before the District Consumer Dispute Redressal Commission (DCDRC), Shahjahanpur, U.P for transfer / dismissal which is still pending for adjudication.</p> <p>10. Therefore, we are of the view that Intervention application is liable to be rejected and is hereby rejected.</p> <p>11. M.A No. 600 of 2024 is disposed of accordingly.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A) RK/-</div><div>(Justice Anil Kumar) Member (J)</div></div>
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