

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

Court No.2 (Ser No 8)

M.A. No. 1372 of 2023 inre O.A. (A) No 784 of 2020

Union of India & Ors

Applicant-respondents

By Legal Practitioner for the Applicants: **Dr. Shailendra Sharma Atal**, Advocate

Versus

Ex Gnr Naresh Kumar Sharma

Respondent-applicant

By Legal Practitioner for Respondent:, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>28.08.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Dr. Shailendra Sharma Atal, learned counsel for the applicant-respondents.</p> <p>2. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 12.07.2023 passed in O.A. No. 784 of 2020.</p> <p>3. As per office report there is delay of 04 days in filing leave to appeal.</p> <p>4. In regard to delay, submission of learned counsel for the applicant-respondents is that there is no delay in filing leave to appeal as this delay took place in receiving order of this Tribunal.</p> <p>5. In view of the above, we are of the view that there is no delay in filing leave to appeal.</p> <p>6. We find that no much or less point of law of general public importance is involved for grant of leave to appeal. Accordingly, leave to appeal is liable to be dismissed.</p> <p>7. It is also pertinent to mention here that in view of law laid down by the Hon'ble Apex Court in <i>Union of India & Ors vs Purushottam Lal</i>, 2023 SCC online SC 314, applicant-respondents has efficacious remedy to assail the order passed by this Tribunal before Hon'ble High Court under Article 226 of Constitution of India.</p> <p>8. Thus, leave to appeal has been filed mechanically without any justification and is liable to dismissed. Accordingly, leave to appeal is dismissed.</p> <p style="text-align: right;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Anil Kumar) Member (J)</p> <p style="text-align: left;"><i>rathore</i></p>