

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Ser No. 8)

M.A. No. 1159 of 2024 with M.A. No. 1160 of 2024
Inre T.A. No. 1275 of 2010

MWO Jang Bahadur Ram Gupta (Retd)
By Legal Practitioner for the Petitioner : Col AK Srivastava (Retd) and Shri Dharam Raj Singh, Advocates

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Respondents

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| Notes of the Registry | Orders of the Tribunal |
| | <div><div><div>27.01.2025</div><div>Hon'ble Mr. Justice Anil Kumar, Member (J)</div><div>Hon'ble Lt Gen Anil Puri, Member (A)</div></div><div><div>1.</div><div>On the case being taken up for hearing, Col AK Srivastava (Retd), Ld. Counsel for the petitioner is present through virtual mode and Shri Amit Jaiswal, Ld. counsel for the respondents is present in Court.</div></div><div><div>2.</div><div>M.A. No. 1160 of 2024 has been filed by the applicant for recall of order dated 07.09.2021 passed by this Tribunal in T.A. No. 1275 of 2010.</div></div><div><div>3.</div><div>M.A. No. 1159 of 2024 has been filed for condoning the delay in filing recall application i.e. M.A. No. 1160 of 2024.</div></div><div><div>4.</div><div>Heard learned counsel for the parties and perused the record.</div></div><div><div>5.</div><div>This case was filed before the Hon'ble High Court of Judicature at Allahabad as Civil Misc Writ Petition No. 13285 of 2003, which was transferred by the Hon'ble High Court to this Tribunal by order dated 18.03.2010 and re-numbered as T.A. No. 1275 of 2010.</div></div><div><div>6.</div><div>T.A. No. 1275 of 2010 was finally disposed off by this Tribunal by order dated 10.01.2011.</div></div><div><div>7.</div><div>Petitioner moved application to recall the order dated 10.01.2011, which was numbered as M.A. No. 405 of 2021. M.A. No. 405 of 2021 was listed before this Tribunal on 26.07.2021, and applicant was directed to supply copy of the T.A. to learned counsel for the respondents. In M.A. No. 405 of 2021, 07.09.2021 was fixed for hearing. On 07.09.2021, no one was present on behalf of the applicant and the case was dismissed in default of the applicant. Copy of the T.A. was also not supplied to learned counsel for the respondents as directed by this</div></div></div> |

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| | <p>Tribunal.</p> <p>8. Applicant has moved this application i.e. M.A. No. 1160 of 2024 for setting aside order dated 07.09.2021 and to restore T.A. No. 1275 of 2010. Perusal of the record shows that impugned order has not been passed in T.A. No. 1275 of 2010, but it was passed in M.A. No. 405 of 2021. The application No 1160 of 2024 along with delay condonation application seems to be defective. It will be just and proper to provide opportunity of hearing to the applicant on this point.</p> <p>9. List on 17.04.2025.</p> <div><div><p>(Lt Gen Anil Puri) Member (A)</p><p><i>rathore</i></p></div><div><p>(Justice Anil Kumar) Member (J)</p></div></div> |
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