

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****Original Application No. 204 of 2014**

Tuesday, this the 13th day of October 2015

Hon'ble Mr. Justice D.P. Singh, Member (J)
Hon'ble Air Marshal Anil Chopra, Member (A)

Ex – Subedar Ved Pal (No JC-125415-P)
son of Late Shri Singram Singh, resident of
Village:Salakheri PO: Alipuri Kheri, Distt :
Muzaffarnagar (Uttar Pradesh)

.....Applicant

Ld. Counsel for : **Shri K.K. Mishra,**
the Applicant **Advocate.**

Versus

1. Union of India, through the Secretary, Ministry of Defence, 101 South Block, New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarters Of the Ministry of Defence (Army), Sena Bhawan DHQ PO, New Delhi-110011.
3. OIC Records Army Medical Corps
PIN : 900450, c/o 56 APO.

.....Respondents

Ld. Counsel for the : **Shri Rajesh Kumar,**
Respondents **Central Govt. Counsel**
assisted by Lt Col Subodh
Verma, OIC., Legal Cell

ORDER (ORAL)

1. Heard learned counsel for the parties and perused the record.
2. Submission of learned counsel for the applicant is that since Annual Confidential Report has not been challenged, hence he may be permitted to withdraw the case with permission to file a fresh case.
3. Any commission or omission on the part of the counsel in not challenging the previous order which was in existence before filing the O.A. shall not be deemed to be fresh cause of action. Order II Rule 2 Code of Civil Procedure is quite clear where a person is expected to file petition bringing on record all the necessary pleadings and cause of action. Accordingly, argument submitted by learned counsel for the applicant is rejected.
4. However, we dismiss the O.A. with liberty to the applicant to file a fresh petition in case advised.

No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

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(Justice D.P. Singh)
Member (J)