1.

OA-26/2022 with MA-09/22

Ex-Nk NL Thomas Anal

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar, Advocate

For the Respondent : PK Garodia, Advocate

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Issue notice both on MA as well as OA. Notice is accepted by PK Garodia, learned counsel for the respondents. Respondents will seek instruction and file counter affidavit within 4 weeks with copy to the learned counsel for the applicant who may file rejoinder, if any, within two weeks thereafter.

2. List the matter after 6 weeks.

(JUSTICE RAJENDRA MENON) **CHAIRPERSON**

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

2.	
OA-27/2022	
Smt Riva Gohain	Applicant
Versus	
Union of India & Ors.	Respondents
For the Applicant	: AR Tahbildar, Advocate
For the Respondent	: OIC AFT Legal Cell

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Issue notice returnable within 6 weeks. OIC AFT Legal Cell representative will take notice of it and inform the counsel for the respondents. 6 weeks' time is granted to file objection.

2. List the matter after 6 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

3.

MA-11/2022with MA-10/22

Union of India & Ors

..... Applicant

Versus

Ex-Sep Jamkho Gam

..... Respondents

For the Applicant

Deepanjali Bora,AdvocateAR Tahbildar, Advocate

For the Respondent

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Both the applications are allowed. Delay will be condoned and leave to appeal will be granted.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

4.

MA-13/2022 with MA-12/22 Union of India & Ors

..... Applicants

Versus

Ex-Sep Gin Khan Khup..... RespondentsFor the Applicant: Deepanjali Bora, AdvocateFor the Respondent: AR Tahbildar, Advocate

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

Both the applications are allowed. Delay will be condoned and leave to appeal will be granted.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

5. OA-20/2022

Ex-Sub/Clk (SD) Manoj Kumar Manjhi Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: AR Tahbildar, Advocate

For the Respondent

: Deepanjali Bora, Advocate

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Deepanjali Bora, learned counsel for the respondents submits that she will file counter affidavit during the course of one week. Prayer is allowed.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

6.

OA-21/2022 with MA-03/22

Ex-Lnk Repket Chuchang Ao

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: AR Tahbildar, Advocate

For the Respondent

: PK Garodia, Advocate

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

PK Garodia, learned counsel for the respondents prayed for time and is granted 4 weeks further time to file counter affidavit.

2. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

7.

OA-02/2022

Smt Tngency Lyngdoh

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant	: Manik Chandra
	Gaurab J Sharma
For the Respondent	: B Kumar

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Heard the learned counsel for both sides.

2. Let a copy of the counter affidavit filed by the respondents be served upon the learned counsel representing the applicant within one week. If advised, learned counsel for the applicant may file rejoinder within four weeks thereafter.

3. List after 6 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

8.

OA-14/2021

Ex-Nk Haokhosiam

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: AR Tahbildar

For the Respondent

: Deepanjali Bora

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

Counter affidavit has been filed by the respondents.

2. AR Tahbildar, learned counsel for the applicant may seek instruction, and if advised, may file rejoinder within 4 weeks.

3. List after 6 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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9.	
OA-29/2020	
Col Mandeep Singh	Applicant
Versus	
Union of India & Ors.	Respondents
For the Applicant	: Applicant in person
For the Respondent	: Deepanjali Bora

<u>CORAM :</u>

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HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Deepanjali Bora, learned counsel for the respondents has filed the counter affidavit.

2. The applicant appearing in person submits that he has not received the copy of the counter affidavit. Let a copy of the counter affidavit filed by the respondent be served to the applicant within one week through the Registrar of this Bench.

3. Respondents will handover the counter affidavit and documents relating to the case to the Registrar, and Registrar will hand it over to the applicant.

4. If advised, applicant may file rejoinder within 4 weeks thereafter.

5. List for hearing.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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10. OA-06/2020

Smt Juthika Sinha

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : PK Garodia

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

AR Tahbildar, learned counsel for the applicant prays for and is granted 2 weeks' time to file rejoinder.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

11. OA-24/2021

Smt M Roshni Devi

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : PJ I

: PJ Barman

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Learned counsel for the respondents submits that the counter affidavit has been filed. However, in the file no counter affidavit is available. Office to verify the record and place it on record.

2. AR Tahbildar, learned counsel for the applicant, if advised, may file rejoinder within 4 weeks thereafter.

3. List after 6 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

mc/kk

12 OA-25/2021

Ex-Hony Nb Sub TH Ibohanbi Singh

..... Applicant

Versus

Union of India & Ors.

..... Respondents

: AR Tahbildar

For the Respondent

For the Applicant

: B Kumar

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

B Kumar, learned counsel for the respondents submits that pleadings are complete and the case be posted for hearing in due course. If, advised, rejoinder may be filed by the applicant within 4 weeks.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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13. OA-26/2021

Ex-Hav KH Ashikho

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : B Kumar

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

B Kumar, learned counsel for the respondents submits that pleadings are complete and the case be posted for hearing in due course. If, advised, rejoinder may be filed by the applicant within 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

14.

OA-06/2021 with MA-07/21 (For condonation of delay)

Ex-Sep SR Warhring Anal.... ApplicantVersus..... RespondentsUnion of India & Ors...... RespondentsFor the Applicant: AR TahbildarFor the Respondent: Deepanjali Bora

<u>CORAM :</u>

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HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Learned counsel for the respondents submits that she has filed the counter affidavit.

2. AR Tahbildar, learned counsel for the applicant also submits that he has received the counter affidavit.

3. However, counter affidavit is not available on record. Office to verify and place the counter affidavit on record.

4. AR Tahbildar, learned counsel for the applicant may file rejoinder to the counter affidavit within 4 weeks.

5. List the matter for hearing in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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15.			
OA-21/2018			
Smt Gina Gogoi		Applican	
Versus			
Union of India & Ors.		Respondents	
For the Applicant	: Rajib Sarma		
	Inakashi Deka		

For the Respondent

CORAM :

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HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

: Deepanjali Bora

<u>O R D E R</u> 05.09.2022

None appears for the applicant despite of issue of notice.

2. On 02.11.2021, counsel for the applicant had submitted that no instruction was received in the matter and therefore, office was directed to issue notice to the applicant by Registered Post. When the matter was taken up on 06.01.2022, none appears for the applicant. However, office record shows that there is no record regarding issuance of notice to the applicant and its service.

3. Office to issue fresh notice to the applicant informing her about the pendency of the matter along with the copy of this order. In case, the applicant does not appear on the next date fixed or does not make arrangement for her representation, we will proceed with the matter in accordance with law.

4. Office shall send a copy of this order with notice informing the applicant about the next date of hearing.

5. List the matter after 6 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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16.

OA-18/2020 with MA-11/20 (For condonation of delay)

Ex-Nk Henkhosei Kuki

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent

: P Sharma

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit has already been filed.

2. AR Tahbildar, learned counsel for the applicant submits that he wants to file additional documents by way of an affidavit. Prayer is allowed. 4 weeks time is granted to file additional documents.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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17. OA-15/2021 **Smt Phalunching** Union of India & Ors. Respondents For the Applicant : AR Tahbildar For the Respondent : PJ Barman

CORAM:

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

AR Tahbildar, learned counsel for the applicant seeks time to file rejoinder.

2. Prayer is allowed.

3. 6 weeks time is granted to file rejoinder.

(JUSTICE RAJENDRA MENON) **CHAIRPERSON**

(LT GEN PM HARIZ) **MEMBER** (A)

Ļ Mc/kk .

..... Applicant

Versus

18. OA-20/2021

Ex-Nk M Ginjahang

..... Applicant

Versus

Union of India & Ors.

... Respondents

For the Applicant : AR Tahbildar

For the Respondent : B Kumar

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit has been filed by the respondents. Respondents have admitted with regard to availability of the Scheme for financial upgradation under MACP to DSC personnel. However, the respondents submit that inspite of notification being issued on 05.09.2016 in this regard, administrative instructions/guidelines for implementation of the same is under preparation at Service HQs. Once the instruction/guidelines are received from the competent authority, applicant's case will be considered for MACP.

2. Counter affidavit was filed by the respondents on 10.05.2022 and there is nothing to indicate as to why inspite of notification being issued on 05.09.2016, administrative guidelines have not been issued till date.

Respondents to explain the position and also tell us as to why the instructions/guidelines have not been issued.

3. Let a copy of this order be furnished to the learned counsel for the respondents for necessary compliance.

4. List after 4 weeks.

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(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

19. OA-22/2021

Ex-Nk L Jamzanag Paite

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant: AR Tahbildar

For the Respondent

: B. Kumar

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit has been filed by the respondents. Respondents have admitted with regard to availability of the Scheme for financial upgradation under MACP TO DSC personnel. However, the respondents submit that inspite of notification being issued on 05.09.2016 in this regard, administrative instructions/guidelines for implementation of the same is under preparation at Service HQs. Once the instruction/guidelines are received from the competent authority, applicant's case will be considered for MACP.

2. Counter affidavit was filed by the respondents on 06.04.2022 and there is nothing to indicate as to why inspite of notification being issued on 05.09.2016, administrative guidelines have not been issued till date.

Respondents to explain the position and also tell us as to why the instructions/guidelines have not been issued.

3. Let a copy of this order be furnished to the learned counsel for the respondents for necessary compliance.

4. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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20. OA-17/2021

Ex-Hony Nb Sub WNG Eliza Anal

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : PK Garodia

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A) <u>O R D E R</u> 05.09.2022

Learned counsel for the respondents submits that he has filed the counter affidavit. However, the same is not available on record. Office to verify and place the same on record.

2. Let a copy of the counter affidavit filed by the respondents be served on the learned counsel for the applicant who will seek instructions and file rejoinder, if advised, within 6 weeks.

3. List the matter after 6 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

21. OA-19/2020

Ex-Hony Nb Sub NL Angkhun Anal

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : PJ Barman

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

As prayed for by the learned counsel for the applicant, list the matter after 4 weeks so as to enable him to file rejoinder, in the meantime.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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22.

OA-28/2020 with MA-20/2020

Ex-Sep (MT) Jahidul Islam

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant	: Zahangir Hussain
	(Legal Aid Counsel)
	Rupam Jyoti Sharma
For the Respondent	: PJ Barman

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>ORDER</u> 05.09.2022

Counter affidavit has been filed by the respondents. Counsel for the applicant seeks time to file rejoinder. 4 week's time is granted to file rejoinder.

List in due course. 2.

(JUSTICE RAJENDRA MENON) **CHAIRPERSON**

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

23.

OA-17/2020 with MA-10/20

Ex-Sub Henkholal Haokip

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : P Sharma

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit filed by the respondents is not available on record. Office to verify and place it on record.

2. Let a copy of the counter affidavit be served on the learned counsel for the applicant who may file rejoinder, if any, within 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER(A)

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..... Applicant

..... Respondents

24. OA-23/2021 with MA-14/21 Ex-Nk Thngnei Pau Versus Union of India & Ors. For the Applicant : AR Tahbildar For the Respondent : B Kumar

CORAM:

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HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit has been filed by the respondents. Respondents have admitted with regard to availability of the Scheme for financial upgradation under MACP to DSC[•] personnel. However, the respondents submit that inspite of notification being issued on 05.09.2016 in this regard, administrative instructions /guidelines for implementation of the same is under preparation at Service HQs. Once the instruction/guidelines are received from the competent authority, applicant's case will be considered for MACP. 2. There is nothing on record to indicate as to why inspite of notification being issued on 05.09.2016, administrative guidelines have not been issued till date. Respondents to explain the position and also tell us as to why the instructions/guidelines have not been issued.

3. Counter affidavit filed by the respondents is not available on record. Office to verify and place it on record. Let a copy of the counter affidavit be served on the learned counsel for the applicant who may file rejoinder, if any, within 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

25.

OA-15/2019 with MA-21/19

Mrs Sonabi Begun	ım	egu	Be	bi	Sona	Mrs
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..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

(Legal Aid Counsel)

: Zahangir Hussain

Moynul Hoque

For the Respondent : PJ Barman

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

4 weeks time is granted to the learned counsel for the applicant to file rejoinder.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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26. OA-09/2020

Ex-Rfn Sameer Gurung

..... Applicant

Versus

Union of India & Ors.

..... Respondents.

For the Applicant : AR Tahbildar

For the Respondent : PJ Barman

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

4 weeks time is granted to the learned counsel for the applicant to file rejoinder.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

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27.

OA-27/2021 with MA-15/21

Ex-Hav Khaineimang

..... Applicant

Versus

Union of India & Ors.

For the Applicant

..... Respondents

For the Respondent : P Sharma

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

: AR Tahbildar

<u>O R D E R</u> 05.09.2022

Counter affidavit filed by the respondents is not available on record. Office to verify and place the same on record. Copy of counter affidavit be served on the learned counsel for the applicant, who, if advised, may file rejoinder within 6 weeks.

2. List after 6 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

28. OA-43/2019

Ex-Sub WS Wangam Anal

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : Deepanjali Bora

CORAM:

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

Heard the learned counsel for the parties.

2. Pleadings are complete. Matter be listed for hearing in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

29.

OA-45/2019

Ex-Sub Langzathang

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : .

: AR Tahbildar

For the Respondent : PK Garodia

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

Heard the learned counsel for the parties.

2. Pleadings are complete. Matter be listed for hearing in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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30.

OA-09/2022

Ex-Nk Pram Prakash Tiwari

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent

: P Sharma

CORAM :

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HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

This application has been filed by the applicant praying for restoration of the Disability Element of Pension granted to the applicant, which was discontinued w.e.f. 23.01.2012. However, today when the matter is taken up for hearing, AR Tahbildar, learned counsel for the applicant has informed the Court that after filing of the application and on receipt of notice, the payment of disability element of pension has been restored and arrear has been paid. However, he submits that it was discontinued w.e.f. 23.01.2021 and for the last 10 years, the applicant was deprived of the pensionary benefits and as such he is entitled to interest on delayed payment.

2. Accordingly, today prayer has been made by the learned counsel for the applicant that the respondents may be directed to pay the interest on the delay to release the disability element of pension.

3. Respondents are directed to show cause as to why relief as prayed for will not be granted to the applicant as shown in Para 8 of the application, within 6 weeks.

4. Let a copy of this order be served on the respondents for their response.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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31.

CA-01/2020 in OA-05/2017

Ex-Sep Paokholun

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant: AR Tahbildar

For the Respondent: B Kumar

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

Learned counsel for the respondents seek one week time to file affidavit with regard to payment to the applicant.

2. Compliance report be filed within one week from today.

3. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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32.

MA (Exe) -01/2019 in OA (A)-29/2014

Ex-Rfn Satish Kr Shukla

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

For the Respondent : Deepanjali Bora

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

: Vipin Kumar

<u>O R D E R</u> 05.09.2022

Learned counsel for the applicant seeks time to file rejoinder. Prayer is allowed. 3 weeks time is granted to file rejoinder.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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33.

CA-02/2020 in OA-37/18

Smt Yumlembam Geeta Leima

..... Applicant

Versus

Union of India & Ors.

For the Applicant

..... Respondents

Pompi Dutta Dhar

: AR Tahbildar

For the Respondent : PK Garodia

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

It is admitted position that the order passed by this Tribunal on 22.02.2019 in OA No. 37/2018 been complied with.

2. In view of the above, contempt proceedings are closed and matter stands disposed of.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

34.

CA-02/2021 (in OA-34/17)

Capt Vyom Kumar (Retd) Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: Rupam Jyoti Sharma

For the Respondent

: B Kumar

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

B. Kumar, learned counsel for the respondents has submitted that the order passed by the Tribunal on 09.08.2019 in OA-34/2017 has been complied with and PPO has been issued and nothing survives.

2. However, learned counsel for the applicant has rebutted the same. Learned counsel for the applicant is directed to file affidavit in rebuttal of the submission of learned counsel for respondents failing which we will dispose of the matter.

3. 2 weeks time is granted to file affidavit by the learned counsel for the applicant.

4. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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35.

CA-01/2021 in OA-12/2019

Ex-Sub Khamchinkhap Zou

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : B Kumar

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Compliance report is not yet filed by the respondents.

2. As a matter of last of indulgence, 4 weeks time is granted to the respondents to comply with the order dated 03.02.2020 passed by the Tribunal in OA-12/2019, failing which coercive action will be taken against the respondents.

3. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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36.

MA(Exe) -13/2021 in OA-23/2019

Ex-Sgt Ananta Mahisaya Das

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : PJ Barman

CORAM :

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HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

From the communication dtd 16.06.2022, filed by the Office of the Indian Army Headquarters, New Delhi, it is seen that the issue is pending for finalization before the respondent No. 4.

2. Respondent No. 4 is accordingly directed to take necessary action to release the payment to the applicant as per order dtd. 03.02.2020 passed by the Tribunal in OA-23/2019, failing which coercive action will be taken against respondent No. 4 for non-compliance of the order.

3. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

37.

OA-28/2021 with MA-16/2021

Ex-Sub WS Wangam Anal

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: AR Tahbildar

For the Respondent : Pranjal Sharma

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Learned counsel for the respondents submits that he will file the counter affidavit within one week. He may do so with a copy to AR Tahbildar, learned counsel for the applicant.

2. AR Tahbildar, learned counsel for the applicant may file rejoinder within 4 weeks.

3. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

38.

OA-29/2021

Ex-MWO (Hony Fg Offr)

Nityananda Saikia

Versus

Union of India & Ors.

..... Applicant

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : PJ Barman

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit on behalf of respondents No. 1 to 4 has been filed and is available on record.

2. AR Tahbildar, learned counsel for the applicant wants to file rejoinder. 4 weeks time is granted to do so.

3 List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

39.

OA-01/2022

Ex-Hav (Hony Nb Sub) Hira Nath Das Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : PK Garodia

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A) O R D E R05.09.2022

Counter affidavit has been filed.

2. Learned counsel for the respondents has pointed out that there are certain typographical errors in Para 3 of the counter affidavit with regard to the date of discharge from service and he seeks 2 weeks time to correct the same. Prayer is allowed.

2. AR Tahbildar, learned counsel for the applicant, if advised, may file rejoinder within 4 weeks.

3. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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40.

OA-03/2022 with MA-01/22

Ex-Sub Sati Mohan Sinha

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: Girish Kumar Gupta

For the Respondent

: P Sharma

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Learned counsel for the respondents seeks 4 weeks further time to file counter affidavit. Prayer is allowed.

2. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

41.

OA-04/2022

Ex-Hav Lamkhomang

..... Applicant

Versus

Union of India & Ors.

For the Respondent

..... Respondents

For the Applicant: AR Tahbildar

: PK Garodia

CORAM:

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

4 weeks time is granted to the respondents to file counter affidavit. Copy of the counter affidavit be served to AR Tahbildar, learned counsel for the applicant, who may file rejoinder, if advised, within 2 weeks.

2. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

42.

OA-05/2022

Ex-Hony Nb Sub Lhunkhogin

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: AR Tahbildar

For the Respondent : PK Garodia

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

4 weeks time is granted to the respondents to file counter affidavit. Copy of the counter affidavit be served to AR Tahbildar, learned counsel for the applicant, who may file rejoinder, if advised, within 2 weeks.

2. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

43.

OA(A)-06/2022

Ex-Rfn Anil Chandra Nath

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : Vipin Kumar

B Pathak

: Deepanjali Bora

For the Respondent

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Learned counsel for the respondents seeks 4 weeks time to file counter affidavit. He is allowed to do so.

2. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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44. OA-07/2022

Ex-Rfn Birendra Singh

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : Vipin Kumar

B Pathak

For the Respondent

: Deepanjali Bora

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

6 weeks further time is granted to the learned counsel for the respondents to file counter affidavit.

2. List after 6 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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45.

OA-08/2022 with MA-02/22

Ex-Sep SR Thungshel Anal

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: AR Tahbildar

For the Respondent : Deepanjali Bora

CORAM:

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Learned counsel for the respondents submits that she will file counter affidavit within 4 weeks. Prayer is allowed.

2. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

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46.

OA-10/2022

Ex-Sep LH Beloveson Anal

.... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: AR Tahbildar

For the Respondent : PJ Barman

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit has been filed by the respondents. AR Tahbildar, learned counsel for the applicant seeks 4 weeks time to file rejoinder. Prayer is allowed.

2. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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47.

OA-11/2022

Ex-Sub Thangtinmang Kuki

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : PK Garodia

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Learned counsel for the respondents submits that he will file the counter affidavit within one week. He is allowed to do so.

2. AR Tahbildar, learned counsel for the applicant may file rejoinder, if advised, within 4 weeks.

3. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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48.

OA-12/2022

Lt Col Surajit Sinha Roy

Versus

Union of India & Ors.

..... Respondents

..... Applicant

For the Applicant

: Ashim Chamuah K Barpuzari PK Bhuyan SD Roy D Das : PJ Barman

For the Respondent

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Learned counsel for the applicant seeks time to file rejoinder affidavit. Prayer is allowed and 4 weeks time is granted for filing the rejoinder affidavit.

2. List after 4 weeks.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

49.

OA-13/2022

Ex-SWR Sukumar Roy

..... Applicant

Versus

Union of India & Ors.

For the Applicant

..... Respondents

: Rupam Jyoti Sharma

Nisha Moni Borah

For the Respondent : B Kumar

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

Learned counsel for the respondents prays for one week time to file counter affidavit. Prayer is allowed.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

50.

OA-14/2022

Rect/MT Chandeep Kr Baitha

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : Hariom Gupta

RK Singh

For the Respondent

: PJ Barman

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

As prayed for, 6 weeks time is granted to the learned counsel for the respondents to file counter affidavit.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

51.

OA-15/2022

Rect Rohit Kr Yadav

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : Hariom Gupta

RK Singh

For the Respondent

: PJ Barman

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Let a copy of the counter affidavit filed by the respondents be served upon the learned counsel for the applicant. Learned counsel representing the applicant may file rejoinder, if advised, within one week.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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OA-16/2022

Rect VipinYadav

Versus

Union of India & Ors.

..... Applicant

..... Respondents

For the Applicant : Hariom Gupta

RK Singh

For the Respondent : PJ Barman

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Let a copy of the counter affidavit filed by the respondents be served upon the learned counsel for the applicant. Learned counsel representing the applicant may file rejoinder, if advised, within one week.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

53. OA-17/2022

Rect Mithilesh Kr Yadav

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : Hariom Gupta

RK Singh

For the Respondent

: B Kumar

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Let a copy of the counter affidavit filed by the respondents be served upon the learned counsel for the applicant. Learned counsel representing the applicant may file rejoinder, if advised, within one week.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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54.

OA-18/2022

Rect/BR/MT Brijesh Kr Yadav

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : Hariom Gupta

RK Singh

For the Respondent : B Kumar

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Let a copy of the counter affidavit filed by the respondents be served upon the learned counsel for the applicant. Learned counsel representing the applicant may file rejoinder, if advised, within one week.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

55.

OA-19/2022

Rect/Dvr/MT Rahul Singh Yadav Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : Hariom Gupta

RK Singh

For the Respondent : B Kumar

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Let a copy of the counter affidavit filed by the respondents be served upon the learned counsel for the applicant. Learned counsel representing the applicant may file rejoinder, if advised, within one week.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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56.

OA-46/2018

Smt Vanlalremruati

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: Anil Rinliana Malhotra & Associates

For the Respondent : PJ Barman

CORAM:

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

O R D E R 05.09.2022

Counter affidavit has been filed by the respondents. Learned counsel for the applicant may file rejoinder, if advised, within 4 weeks.

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2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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57.

OA-45/2018

Smt Nupuii Renghlei

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: Anil Rinliana Malhotra & Associates

For the Respondent : B K

: B Kumar

<u>CORAM :</u>

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit has been filed by the respondents. Learned counsel for the applicant may file rejoinder, if advised, within 4 weeks.

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2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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58. OA-44/2018

Smt Lalbiaksangi

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: Anil Rinliana Malhotra & Associates

For the Respondent

: Deepanjali Bora

CORAM :

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit has been filed by the respondents. Learned counsel for the applicant may file rejoinder, if advised, within 4 weeks.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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59.

OA-56/2019

Ex-LAC Dwipjyoti Talukdar

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant

: Abhishek Mishra

For the Respondent : P Sharma

CORAM:

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

P Sharma, learned counsel for the respondents submits that they will file additional affidavit as indicated in the order dated 30.05.2022 within 2 weeks. Prayer is allowed.

2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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60.

OA-06/2018

Ex-Sep Kongniyang Doko

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For the Applicant : AR Tahbildar

For the Respondent : P Sharma

CORAM:

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON HON'BLE LT GEN PM HARIZ, MEMBER(A)

<u>O R D E R</u> 05.09.2022

Counter affidavit has not been filed by the respondents. They may do so within 4 weeks.

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2. List in due course.

(JUSTICE RAJENDRA MENON) CHAIRPERSON

(LT GEN PM HARIZ) MEMBER (A)

Mc/kk

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