

Form No. 4  
{See rule 11(1)}  
ORDER SHEET

ARMED FORCES TRIBUNAL,  
REGIONAL BENCH, GUWAHATI

OA -40/2022 with MA-26/22

Ex-Rect Mukesh Sharma & 4 others ..... Applicants  
Hariom Gupta  
RK Singh  
RJ Sarma  
Legal practitioner for Applicants

-Versus-

UOI & Others. .... Respondents  
PJ Barman  
Legal practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>CORAM</u></p> <p>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member(J) Hon'ble Air Mshl Balakrishnan Suresh, Member (A)</p> <p><u>ORDER</u></p> <p><u>03.04.2023</u></p> <p>Heard Shri R.K. Singh, Ld. Counsel for the applicants and Shri P.J. Barman, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for issuing direction to the respondents to reinstate the applicant in service after quashing the termination/dismissal order based on fraudulent enrolment.</p> <p>It is submitted by the Ld. Counsel for the applicants that applicants are not a case fraudulent enrolment. It is a case of genuine enrolment.</p> <p>There being delay in filing the Original Application, a delay condonation application has been filed separately and it is submitted that delay is not deliberate. As a matter of fact the applicant had approached the District Court for the redressal of his grievance by filing a Title Suit for Domicile Certificate as authentic and genuine which was later dismissed as withdrawn on the ground that it was wrongly filed in that Court.</p> <p>Ld. Counsel respondents has vehemently opposed the prayer.</p> <p>We have gone through the order dated 27.07.2022 of the District Judge, East Sessions Division, Teju, Lohit District, Arunanchal Pradesh and we find that applicant had earlier filed a case in the Court of District Judge which was later withdrawn on 27.07.2022.</p> <p>In view of the above, delay in filing the Original Applicant is not deliberate and is, therefore, <b>condoned</b>. Delay condonation application stands disposed off.</p>

**M.A. No. 26 of 2022**

For the reasons stated in affidavit filed in support of application, applicants are **allowed** to file Original Application jointly together. Misc. Application stands disposed off accordingly.

**OA No. 40 of 2022**

Case needs adjudication.

Admit.

Issue notice.

Shri P.J. Barman, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived.

Respondents may file Counter Affidavit/Reply within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit.

List after six weeks.

(Air Mshl Balakrishnan Suresh)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)