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**(2021) 12 AFT CK 0007**  
**In the Armed Forces Tribunal**  
**Case No : OA 2665 Of 2021**

Maj Dibendu Ghosh

APPELLANT

Vs

Union of India & Ors

RESPONDENT

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**Date of Decision :** 01-12-2021

**Acts Referred:**

**Citation :** (2021) 12 AFT CK 0007

**Hon'ble Judges :** Rajendra Menon, Chairperson, (J); P.M. Hariz, Member (A)

**Bench :** Division Bench

**Advocate :** I. S. Singh, Rahul Vyas, Karan Singh Bhati

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## Judgement

Issue Notice to the respondents. Notice is accepted by Gp Capt Karan Singh Bhati, Sr. CGSC for the respondents.

We have heard the objections raised by the respondents. Prima facie, we find that the attitude of the respondents in dealing with the matter is not acceptable and is contrary to the law governing the principles of natural justice at this period of pandemic. Keeping in view the aforesaid, finding a prima facie case made out, we direct the respondents to file the counter affidavit within two weeks. In the meanwhile, the applicant shall be permitted to participate in the counselling subject to final decision of the petition.

List the matter after two weeks.

After the aforesaid order was dictated, Shri Bhati prayed for listing the matter to Friday i.e. 3rd December, 2021 so as to enable him to seek instructions.

Without modifying the aforesaid order, we direct listing of the matter on Friday i.e. 3rd December, 2021 so that after hearing Shri Bhati, if required, we may consider modification of the order. However, we request Shri Bhati that the officers should be conveyed the feelings of this Tribunal as have been expressed in the previous part of the order.

'Dasti'.