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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A.NO.1-2/2017
IN
CIVIL APPEAL NO. OF 2017
(@ Civil Appeal D.No.3144 of 2017)
COL. MANISH KUMAR CHAKRABORTY

APPELLANT(S)

VERSUS

UOI AND ORS.

RESPONDENT(S)

O R D E R

Application for leave to appeal is granted.

Heard learned counsel for the appellant.

Having heard learned counsel for the appellant we are not inclined to interfere with the impugned order. However, we observe that if eventually the ground that has been urged by the appellant before us requires to be agitated in the challenge to the final order passed by the disciplinary authority before the Armed Forces Tribunal, the said Tribunal shall advert to the same in proper perspective and not throw it on the ground that it has recorded a finding of the nature that finds place in the present impugned order. We are inclined to say so as in the eventuality the appellant, when aggrieved by the final order passed by the disciplinary authority, challenges the same on all scores, non-supply of the

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documents or non-supply of requisite and necessary documents and the fall out thereof can be raised. Needless to say, all questions raised before us shall be open to be agitated before the Tribunal at the time of final hearing. With the aforesaid observation, the civil appeal stand disposed of.

.....J.
(DIPAK MISRA)
.....J.
(R. BANUMATHI)
.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;

17 TH
FEBRUARY, 2017.

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ITEM NO.31 COURT NO.2 SECTION XVII
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.NO.1-2/2017 in Civil Appeal Diary No(s).3144/2017
COL. MANISH KUMAR CHAKRABORTY Appellant(s)

VERSUS

UOI AND ORS. Respondent(s)
(for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007)

Date : 17/02/2017 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Mr. N. Prabhakar, Adv.

Mr. Anand Kumar, Adv.

Mr. Santosh Kumar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The civil appeal is disposed of in terms of the signed order.

I.A.No.1-2/2017 also stand disposed of accordingly.

(Ashok Raj Singh)

(H.S. Parasher)

Court Master

Court Master

(Signed Order is placed in the file)