

AD-16
Ct No.09
05.10.2023
TN

WPA No. 21266 of 2023

Binapani Behera
Vs.
Union of India and others

Mr. Anirban Ray,
Mr. Jayanta Sengupta,
Mr. Debangana Roy,
Mr. D. Khan,
Mr. A. Banerjee,
Mr. Debojyoti Das

.... for the petitioner

Mr. Ajoy Krishna Chatterjee,
Ms. Sarda Sha

.... for the UOI

- 1.** Learned counsel for the petitioner contends that the petitioner is aggrieved by the long pendency of the proceeding against the petitioner before the Armed Forces Tribunal, Regional Bench, Kolkata. Learned counsel further submits that in view of the said post lying vacant for quite some time, this court might consider taking up the matter on merits.
- 2.** Learned senior counsel appearing for the respondent-authorities hands up an order dated September 25, 2023 indicating that the new incumbent in the post of Judicial Member, Armed Forces Tribunal, Regional Bench, Kolkata will assume charge on or before October 09, 2023. In

such view of the matter, the apprehension of the petitioner is allayed.

- 3.** WPA No. 21266 of 2023 is, accordingly, disposed of with a request to the Tribunal to dispose of the pending proceeding against the petitioner as expeditiously as possible, preferably by January 31, 2024.
- 4.** It is made clear that the petitioner shall be entitled to move any interlocutory application, including an application for bail, if the petitioner so chooses, in the meantime before the said forum.
- 5.** There will be no order as to costs.
- 6.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)