

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 312 of 2018

Kendre Nathrao Manika
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate, on behalf of respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri S.S.L. Srivastava, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Admittedly the applicant has challenged the order of discharge but he has not availed alternative remedy.</p> <p>Learned counsel for the applicant submits that liberty be given to him to prefer statutory appeal and necessary direction may be given to the respondents to decide the same and this O.A. may be dismissed as withdrawn.</p> <p>With the consent of learned counsel for the parties, we hereby direct the applicant to prefer statutory appeal within a month from today which shall be disposed of by the respondents within a period of two months, from the date of receipt of statutory appeal. Respondents shall decide the appeal of the applicant by a reasoned and speaking order and communicate the decision to the applicant.</p> <p>With the aforesaid directions, this O.A. is dismissed as withdrawn with liberty to the applicant to file a fresh O.A. after decision of his statutory appeal.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 1302 of 2018 with M.A. No. 1303 of 2018
Inre: O.A. No. 261 of 2013

Dinesh Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate, on behalf of respondents is taken on record. Office is directed to show his name as learned counsel for the respondents when the case is listed next.</p> <p>Present: None for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M. A. No. 1302 of 2018</u></p> <p>This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 261 of 2013. Admittedly, the application is time barred and has been moved after elapse of four years and eight months which is beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is rejected.</p> <p style="text-align: center;"><u>M.A. No. 1303 of 2018</u></p> <p>This is an application for grant of leave to appeal which has been filed beyond the statutory period of limitation. Application for condonation of delay has been rejected.</p> <p>In consequence thereof, the application for leave to appeal is also rejected.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A.(A) No. 292 of 2016

Shaik Shabber
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri G.K. Gaur, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondentsl.</p> <p>Pleadings have been exchanged.</p> <p>List this case on 31.08.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 40 of 2009

Sushil Singh
By Legal Practitioner for the Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri VP Pandey, Advocate, holding brief of Shri V.A. Singh, Ld. Counsel for the petitioner and Ms Appoli Srivastaval, Ld. Counsel for the respondents.</p> <p>Shri VP Pandey prays for and is granted a week's further time to file supplementary rejoinder affidavit. This is a very old TA.</p> <p>It is clarified that in case supplementary rejoinder affidavit is not filed by the date fixed, the opportunity to file the same shall stand closed and case shall be heard and disposed of. No adjournment shall be granted to any of the parties.</p> <p>List this case on 23.07.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 195 of 2015

Narendra Kumar Rai
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Learned counsel for the applicant submits that he is not prepared to argue the case today and prays for adjournment. Accordingly, the case is adjourned.</p> <p>List this case on 03.09.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 317 of 2015

Ataullah Khan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case on 13.07.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 161 of 2016

Guddu Raja Ansari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p>Heard learned counsel for the parties.</p> <p>Argument concluded.</p> <p>Order reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 321 of 2016

KK Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant submits that he is not prepared to argue the case today and prays for adjournment. Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 11.09.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 03 of 2017 with M.A. No. 52 of 2018
M.A. No. 53 of 2018 & M.A. No. 971 of 2017

Ram Bahadur Pal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: The applicant Shri Ram Bahadur Pal in person and Dr. Chet Narain Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The applicant submits that his counsel is not present today and prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 12.09.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 146 of 2017

Sub Maj Prem Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Learned counsel for the applicant submits that similar matter has been listed on 08.08.2018 and prays that this case be also listed on 08.08.2018.</p> <p>As prayed, list this case on 08.08.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 197 of 2017

Sub Shambhu Nath Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Learned counsel for the applicant submits that similar matter has been listed on 08.08.2018 and prays that this case be also listed on 08.08.2018.</p> <p>As prayed, list this case on 08.08.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 76 of 2018

Satendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Col Rakesh Johri (Retd), Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents submits that original documents pertaining to case are not available today and prays for adjournment. Accordingly, the case is adjourned.</p> <p>List this case on 10.08.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 305 of 2018

Ram Raj Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents, assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p>Heard learned counsel for the parties.</p> <p>Argument concluded.</p> <p>Order reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 1187 of 2010

Din Bandhu Ram
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Col (Retd) RA Pandey, Ld. Counsel for the Petitioner and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>This T.A. pertains to the year 2003. From perusal of record, it transpires that medical documents pertaining to case have not been produced by learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to produce medical documents pertaining to case.</p> <p>List this case on 23.08.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 06 of 2014 with M.A. No. 2350 of 2017

Sepoy Ramesh Prasad
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Yash Pal Singh, Ld. Counsel for the Petitioner and Ms Deepti P.Bajpai, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks time to file supplementary rejoinder affidavit.</p> <p style="text-align: center;">List this case on 23.08.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 314 of 2018

Krishan Bihari Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Col R.A. Pandey (Retd), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>Learned counsel for the applicant submits that Mercy Appeal dated 26.12.2016 of the applicant has not yet been decided by the respondents.</p> <p>With the consent of parties, we hereby dispose of the O.A. finally with the direction to the respondents to decide the Mercy Appeal of the applicant by a speaking and reasoned order in accordance with law, within a period of two months from the date of receipt of copy of this order, if the same has not already been decided and communicate the decision to the applicant accordingly.</p> <p>Subject to aforesaid direction, the Original Application is disposed of finally.</p> <p>Let a copy of this order be provided to learned counsel for the respondents within 48 hours, free of cost for onward transmission and compliance.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1304 of 2018 with M.A.No.1305 of 2018
Inre: T.A. No. 284 of 2010

Umesh Kumar Chourasia
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri G.S. Sikarwar, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Col Y.R. Sharma (Retd), Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file objection on application for condonation of delay application in filing recall application.</p> <p>List this case on 23.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 1306 of 2018 with M.A. No. 1307 of 2018
Inre: O.A. No. 477 of 2017

Union of India & Others
By Legal Practitioner for the Applicant

Applicant-Respondent

Versus

SP Rathore
By Legal Practitioner for Respondent-Applicant

Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Virendra Singh, Ld. Counsel for the applicants and none for the respondent.</p> <p style="text-align: center;"><u>M.A. No. 1307 of 2018</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 15.03.2018, passed by this Court in O.A. No. 477 of 2017.</p> <p>This application has been filed by the petitioner after a period of limitation. As per stamp reporter's report, there is delay of 02 months & 23 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly</i></p>

binds everybody including the Government.”

The Hon’ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon’ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 1306 of 2018

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the petitioner beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also **rejected**.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 133 of 2017 Inre: T.A No. 1451 of 2010

Anil Kumar

By Legal Practitioner for the Applicant

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rohit Kumar, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">In this execution application, SLP was filed by the respondents and Hon'ble Apex Court vide its order dated 23.03.2018 has directed the respondents to file Review Petition before this Tribunal.</p> <p style="text-align: center;">Learned counsel for the respondents prays for short adjournment to enable him to file Review Petition. As prayed, the case is adjourned.</p> <p style="text-align: center;">List this case on 10.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 147 of 2017 Inre: T.A No. 1332 of 2010

Shiva Nand Chaubey
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Petitioner in person and Shri Virendra Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>Ex-A No. 147 of 2017</u></p> <p>It is submitted by learned counsel for the respondents that in execution of order dated 12.04.2016, PPO has been issued and copy of the PPO has been placed before the Court which is taken on record and a copy of the same has been provided to the petitioner who is present in person.</p> <p>Learned counsel for the respondents submits that order under execution has been fully complied with. Hence, this Execution Application has rendered infructuous and is accordingly dismissed.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

EX-A No. 37 of 2018 Inre: O. A. No. 206 of 2016

Dhan Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>12.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri D.S. Tiwari, Ld. Counsel for the applicant and Maj Piyush Thakran, Departmental Representative for the respondents and Shri Ajay Kumar, Senior Auditor, PCDA (P) Allahabad.</p> <p style="text-align: center;">Shri Ajay Kumar, Senior Auditor, PCDA (P) Allahabad submits that PPO No. DECORR 003322018 has been issued in favour of the applicant but the copy is not available with him.</p> <p style="text-align: center;">Departmental Representative submits that he shall file the copy of PPO in the next week.</p> <p style="text-align: center;">As prayed, list this case on 19.07.2018 for orders.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>SB</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 1291 of 2018 Inre: O.A. No. Nil of 2018

Rajat Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Appoli Srivastava, Advocate on behalf of the respondents is taken on record. Her name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Ms. Madhulika Yadav, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents assisted by Maj Piyush Thakran, Departmental Representative.</p> <p><u>M.A. No. 1291 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant to quash the impugned order of discharge. As per office report, it is delayed by 01 year, 04 months & 08 days in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 29.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1295 of 2018 Inre: O.A No. Nil of 2018

Padmakar Dubey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: justify;">Present: Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1295 of 2018</u></p> <p style="text-align: justify;">This is an application for condonation of delay filed by the applicant for grant of service pension. As per office report, it is delayed by 01 month & 12 days in filing the Original Application.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: justify;">List this case on 21.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A No. 307 of 2018

Pradip Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Mohd. Zafar Khan, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Mohd. Zafar Khan, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>O.A. No. 307 of 2018</u></p> <p style="text-align: center;">This Original Application has been filed by the applicant for grant of disability pension.</p> <p style="text-align: center;">Having heard learned counsel for the parties, we find that it is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p style="text-align: center;">List this case on 12.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

O.A No. 308 of 2018

Nisarudeen M
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Present: Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>O.A. No. 308 of 2018</u></p> <p>By means of this Original Application, the applicant has made the following prayer :-</p> <p style="text-align: center;">“(i) To direct the respondents to consider Applicants basic salary for the promoted ranks of Nb Sub and Sub from 01/07/2007 and thus reimburse the difference of Rs. 1153/- pm till date into his account. (ii) To pass such other order(s) which their Lordships may deem fit and proper in the existing facts and circumstances of the case. (iii) Allow this application with cost of rupees 50,000/-.”</p> <p>It is submitted by learned counsel for the applicant that through proper channel, the applicant has given a letter to Major, Admin Officer whereby he has justified to credit the difference amount in the account of the said JCO with effect from 01.07.2007.</p> <p>It is also submitted by learned counsel for the applicant that apart from it he has not given any representation to the authority concerned for payment of arrears of his previous salary with effect from 01.07.2007.</p> <p>In the alternative, learned counsel for the applicant has prayed that his representation be decided by the authority concerned. However, no representation has been made by the applicant.</p> <p>In view of the aforesaid, we hereby dispose of the O.A. finally with the direction to the applicant to send his representation through proper channel to the authority concerned and the authority concerned shall dispose of the same, by a speaking and reasoned order in accordance with law, within a period of two months from the date of receipt of such representation and communicate the decision to the applicant accordingly.</p> <p style="text-align: center;">Subject to aforesaid direction, the Original Application is disposed of finally.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 114 of 2018 Inre: O.A No. 245 of 2015

Ajay Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri G.S. Sikarwar, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 114 of 2018</u></p> <p>This is an application filed by the applicant for execution of order dated 25.11.2016 passed in O.A. No. 245 of 2015 whereby the respondents were directed to reinstate the applicant in service within a period of two months.</p> <p>This is 2nd execution application. The first execution application was rejected vide order dated 17.04.2017 on the ground that the competent authority has passed the order directing the applicant to resume duty. Hence the execution application was dismissed as infructuous. The copy of the said order has also been filed in this execution application.</p> <p>The submission of the learned counsel for the applicant is that the applicant after receipt of order to resume duty has visited unit at Nasik Road Camp five times but the concerned officers of the said unit have not permitted him to join the unit on the ground that they have no such orders. On behalf of the applicant, railway tickets from Lucknow to Nasik Road on different dates have been filed. However, learned counsel for the respondents vehemently argued that the applicant is at fault and he has not reported to unit for joining.</p> <p>We consider the whole situation as very unfortunate. There is a clear dis-contract between the commitments given by the respondents to the</p>

Tribunal and ground realities at unit level.

In these circumstances, we consider it appropriate to direct the respondents to submit an affidavit stating the details of orders issued to unit to reinstate the applicant along with actual copies of such letters.

In addition, the applicant is to furnish the name of the officer/officers who have not permitted him to join the duty so that necessary action can be initiated against the said officer/officers.

Let a copy of this order be given to both parties within 48 hours, free of cost.

List this case on **13.08.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 116 of 2018 Inre: O.A No. 137 of 2017

Awadhesh Kumar Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 116 of 2018</u></p> <p>This is an application filed by the applicant for execution of order dated 16.01.2018 passed in O.A. No. 137 of 2017.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with.</p> <p>List this case on 04.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A No. 08 of 2018

Ram Kumar

By Legal Practitioner for the Petitioner

Petitioner

Versus

Deputy Director General, Military Farms & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: None for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Writ Petition has been received by transfer from High Court of Judicature at Allahabad. In pursuance to the Hon'ble High Court order dated 19.03.2010 passed in the Writ Petition, the file received by transfer by this Tribunal on 02.07.2018 and registered as T.A. No. 8 of 2018.</p> <p>Learned counsel for the respondents has made a preliminary objection that the petitioner is civilian and is not covered by the Army Act.</p> <p>Before passing any order, it would be appropriate to issue notice to the petitioner to appear in person and direct the respondents to file written objection on the point of maintainability of the petition.</p> <p>List this case on 31.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 09 of 2018

V P Pandey

By Legal Practitioner for the Petitioner

Petitioner

Versus

The General Office Commanding

4 Infantry Division Allahabad

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: None for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Writ Petition has been received by transfer from High Court of Judicature at Allahabad. In pursuance to the Hon'ble High Court order dated 19.03.2010 passed in the Writ Petition, the file received by transfer by this Tribunal on 02.07.2018 and registered as T.A. No. 9 of 2018.</p> <p>Learned counsel for the respondents has made a preliminary objection that the petitioner is civilian and is not covered by the Army Act.</p> <p>Before passing any order, it would be appropriate to issue notice to the petitioner to appear in person and direct the respondents to file written objection on the point of maintainability of the petition.</p> <p>List this case on 31.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

EX-A No. 163 of 2017 Inre: O.A. No. 229 of 2014

Ramvir Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>EX-A No. 163 of 2017</u></p> <p style="text-align: center;">This is an application filed by the applicant for execution of order dated 11.01.2017 passed in O.A. No. 229 of 2014.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks further time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with.</p> <p style="text-align: center;">List this case on 21.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 187 of 2017 Inre: O.A. No. 291 of 2015

Hari Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri O.P. Kushwaha, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>EX-A No. 187 of 2017</u></p> <p>This is an application filed by the applicant for execution of order dated 22.02.2017 passed in O.A. No. 291 of 2015.</p> <p>It is informed by learned counsel for the applicant that PPO has been issued to the applicant but remaining part of the order for holding of Re-survey Medical Board is yet to be complied with.</p> <p>Learned counsel for the respondents submits that Re-survey Medical Board of the applicant is in progress and being conducted in Military Hospital, Mathura and medical board proceedings shall be filed in the Court after completion of medical board.</p> <p style="text-align: center;">List this case on 29.08.2018 for orders.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>SB</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 209 of 2017 Inre: T.A. No. 888 of 2010

Ranbir Singh By Legal Practitioner for the Petitioner	Petitioner
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Yash Pal Singh, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>EX-A No. 209 of 2017</u></p> <p>This is an application filed by the petitioner for execution of order dated 04.07.2017 passed in T.A. No. 888 of 2010.</p> <p>On the last date, following order was passed :-</p> <p><i>“This execution application has been filed on 19th December 2017. Even after availing more than two opportunities, learned counsel for the respondents has not been able to obtain any instruction regarding the execution of the order.</i></p> <p><i>Today also, learned counsel for the respondents prays for time to seek instructions and file his explanation as to why the order under execution has not been complied with.</i></p> <p><i>List this case on 09.05.2018 for orders.</i></p> <p><i>On the date fixed, affidavit shall be filed by the learned counsel for the respondents as to why the order under execution has not been complied with, failing which they will have to pay cost of the Rs. 10,000/-”</i></p> <p><i>“It is conceded that the order has not been complied with.</i></p> <p><i>The respondents are directed to pay cost to the applicant in terms of the earlier order dated 23.03.2018 by the next date.</i></p> <p><i>Further a month's time is prayed to comply with the order, failing which, additional cost of Rs. 15,000/- shall be payable to the applicant.</i></p> <p><i>List this case on 09.07.2018 for orders.”</i></p> <p>It is submitted by learned counsel for the respondents that cost of Rs. 10,000/- has already been deposited and remaining conditional cost of Rs. 15,000/- has not been deposited since action has been initiated to comply the order of execution. It is further submitted by the respondents that requisite papers have been sent to the petitioner for signatures.</p> <p>Learned counsel for the respondents could not give any justification for not executing the order dated 04.07.2017 and the directions were given to</p>

comply the said order within a period of four months but the papers have been sent to the petitioner after about 01 year. So, we do not find any substance in the prayer for not imposing cost of Rs. 15,000/- on the respondents for not complying the order. The respondents shall have to pay the cost of Rs. 15,000/-, in the Registry positively before the date fixed which shall be paid to the petitioner.

List this case on **30.08.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 77 of 2018 Inre: T.A. No. 74 of 2016

Smt Kaushalya Devi & Ors
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Vikas Singh Chauhan, Ld. Counsel for the petitioner and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>Ex-A No. 77 of 2018</u></p> <p style="text-align: center;">This is an application filed by the petitioner for execution of order dated 08.12.2017 passed in T.A. No. 74 of 2016.</p> <p style="text-align: center;">Learned counsel for the respondents submits that incompliance to order under execution, requisite Govt. sanction has been issued and the order shall be complied with within four weeks.</p> <p style="text-align: center;">List this case on 27.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 82 of 2018 Inre: O.A. No. 468 of 2017

Yogesh Chandra Singh Yadav
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri A.K. Sahu, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>Ex-A No. 82 of 2018</u></p> <p style="text-align: center;">This is an application filed by the applicant for execution of order dated 20.12.2017 passed in O.A. No. 468 of 2017.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks further time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with.</p> <p style="text-align: center;">List this case on 05.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1876 of 2016 with M.A. No. 1877 of 2016
T.A. No. 1312 of 2010

Roopa Singh

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>It is submitted by learned counsel for the petitioner that Rs. 75,000/-, deducted from the back wages of husband of the petitioner, to be paid back to the petitioner. Learned counsel for the petitioner submits that the petitioner has not received payment of deductions of Rs. 75,000/- made by the respondents on account of subscription of AGIF.</p> <p>The respondents are directed to submit details of the deductions by the next date of listing.</p> <p>List this case on 27.08.2018 for orders.</p> <p>Learned counsel for the petitioner is directed to implead Army Group Insurance Fund (AGIF) in the array of parties.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 64 of 2018 Inre: O.A. No. 211 of 2010
Inre: Ex-A No. 107 of 2017

Shyam Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Col A.K. Srivastava (Retd), Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">In this application for execution it is submitted on behalf of the respondents that the applicant has been promoted to the next rank and the applicant has been allowed all consequential benefits. However the issue of grant of consequential benefits has been contested by learned counsel for the applicant. Therefore, the respondents are directed to file an affidavit indicating therein as to what are the consequential benefits to which the applicant is held entitled to and what has actually been extended to him by the respondents.</p> <p style="text-align: center;">List this case on 14.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 69 of 2018 Inre: T.A. No. 14 of 2017

Jai Ram Pal By Legal Practitioner for the Petitioner	Versus	Petitioner
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri P.K. Shukla, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">On behalf of the respondents it is submitted that the necessary sanction in compliance of the order under execution has been granted and the requisite PPO shall be issued within a short period.</p> <p style="text-align: center;">List this case on 27.08.2018 for orders.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 5px;">JPT</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 70 of 2018 Inre: O.A. No. 155 of 2014

Sita Ram
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents, assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p>Learned counsel for the respondents submits that the requisite sanction has been granted in compliance of the order under execution and the necessary PPO shall be issued within a short period.</p> <p>List this case on 29.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 71 of 2018 Inre: T.A. No. 35 of 2016

Smt Parvati Devi & Others
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Ld. Counsel for the petitioner and Shri Kaushik Chatterjee, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Learned counsel for the respondents submits that the copy of the order has been transmitted to the competent authority for compliance of the order under execution. The said order was sent by the office concerned on 17.11.2017. He prays for further time to seek instructions regarding the compliance of the order.</p> <p>List this case on 29.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 104 of 2018 with M.A. No. 105 of 2018
M.A. No. 677 of 2018 Inre: T.A. No. 123 of 2010

Jayant Ram Verma
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Col Y.R. Sharma (Retd), Ld. Counsel for the petitioner and Shri Shyam Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the applicant prays for time to file reply to the objection filed on behalf of the respondents.</p> <p style="text-align: center;">List this case on 17.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 1197 of 2018 Inre: O.A. No. 212 of 2016

Smt Vinod Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Vishnu Dev Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p style="text-align: center;">The applicant has not paid the cost imposed vide order dated 18.05.2018. He prays for time to comply with the order.</p> <p style="text-align: center;">List this case on 09.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A No. 261 of 2014 with M.A. No. 1274 of 2018

Lakshmi Narayain Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Defence Minister
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Shiv Kant Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 1274 of 2018</u></p> <p>Heard.</p> <p>By way of this impleadment application the applicant has made a prayer in compliance of the order of this Tribunal dated 26.04.2018 to implead "Union of India through Defence Secretary Govt. of India New Delhi" as Respondent no. 1 in place of "Defence Minister Govt. of India New Delhi in the array of parties.</p> <p>With the consent of learned counsel for the parties this application is allowed and the applicant is directed to correct the array of parties accordingly within one week from today. M.A. No. 1274 of 2018 stands disposed of.</p> <p>List this case on 10.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 697 of 2017

Rajendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the respondents prays for time to seek instructions regarding the last RSMB of the applicant, perusal of which is necessary keeping in view the controversy involved in this case.</p> <p style="text-align: center;">List this case on 16.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 188 of 2018

Sant Ram
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Rajat Pratap Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>By means of this O.A. the applicant has prayed for the following reliefs:-</p> <p>(i) The Hon'ble Tribunal may be pleased to direct the respondents to issue the PPO of disability pension immediate.</p> <p>(ii) The Hon'ble Tribunal may be pleased to direct the respondents to grant disability pension with effect from 31.01.2005 (date of discharge) along with its arrears and interest thereon at the rate of 18% per annum in compliance of letter date 08.11.2017.</p> <p>(iii) Any other appropriate order or direction which this Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case including cost of litigation.</p> <p>It is submitted on behalf of the applicant that the applicant moved a representation to the competent authority, which was disposed of vide order dated 08.11.2017, relevant portion of which is reproduced as under :-</p> <p>“5. This office has received your application dated 29.06.2017 for consideration of disability element of disability pension. Therefore, I find merit in the representation dated 29 June 2017 submitted by you and I accepted the same. Accordingly your case for grant of Disability Element is being processed to PCDA(P) Allahabad shortly.</p> <p>6. This letter is being issued in compliance of the directions of Hon'ble Armed Forces Tribunal (Regional Bench), Lucknow order dated 27 Apr 2017. ”</p> <p>It is submitted that despite the administrative order passed by the competent authority sanctioning the disability pension on 08.11.2017, the</p>

requisite PPO has not been issued till date. Therefore, with the consent of learned counsel for the parties, we hereby disposed of this O.A. finally with a direction to the respondents to pay the disability pension to the applicant within two months from the date of communication of this order in compliance of the order dated 08.11.2017 passed on the representation of the applicant.

With the aforesaid directions the O.A. stands finally disposed of.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

JPT

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 84 of 2012

Narendra Kumar Rana
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Pankaj Kumar Shukla, Advocate, Ld. Counsel for the petitioner and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p>Power filed by Shri Pankaj Kumar Shukla, Advocate on behalf of the petitioner is taken on record. Let his name be shown in the cause list, when the case is next listed on behalf of the petitioner.</p> <p>Adjournment is prayed on behalf of the petitioner.</p> <p>List this case 06.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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EX-A No. 192 of 2017 Inre: O.A. No. 249 of 2016

**Samser Singh (Through his wife
Smt Prabeena Devi)**
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri D.S. Tiwari, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>It is submitted on behalf of the respondents that the RSMB of the applicant has already been conducted. It is submitted by the learned counsel for the applicant that the applicant has been asked to file details of a Joint Account, so that the pension may be credited in his Joint Account. According to the learned counsel the applicant is taking steps for opening the Joint Account.</p> <p>Learned counsel for the respondents prays for further time to bring on record the report of the RSMB.</p> <p>List this case on 27.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A No. 266 of 2011 with M.A. No. 820 of 2018

Chand Pati
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Krishna Kumar, Advocate holding brief of Shri Dharmesh Sinha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p>Adjournment is prayed on behalf of the applicant on the ground of non availability of senior counsel.</p> <p>List this case on 17.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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O.A No. 206 of 2015 along with T.A. No. 66 of 2013

Guman Singh By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Parijaat Belaura, Ld. Counsel for the Applicant and Shri Namit Sharma, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">Adjournment is prayed on behalf of the applicant.</p> <p style="text-align: center;">As prayed, list this case on 07.09.2018 for hearing.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="margin-top: 10px;">JPT</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A No. 241 of 2015

Arjun Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri J.N. Mishra, Ld. Counsel for the applicant and Maj Rajshri Nigam, OIC Legal Cell.</p> <p style="text-align: center;">Adjournment is prayed on behalf of the respondents on the ground of non availability of the counsel.</p> <p style="text-align: center;">List this case on 21.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A No. 269 of 2015 along with O.A. No. 213 of 2014

Radhey Shyam Sharma
By Legal Practitioner for the Petitioner

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Respondents were directed to file Policy regarding Hard Luck vacancy. It is submitted that although the instructions have been received but copy of the Policy dealing with Hard Luck vacancy has not been made available.</p> <p>Learned counsel for the respondents seeks further time to file Policy regarding the Hard Luck vacancy. Last opportunity is granted to the respondents to file the same.</p> <p>List this case on 23.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

**O.A No. 60 of 2016 with M.A. No. 1261 of 2018, M.A. No. 152 of 2018,
M.A. No. 1717 of 2016, M.A. No. 2042 of 2016, M.A. No. 2552 of 2016
& M.A. No. 347 of 2017**

Lt Col Mukesh Baboo
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Applicant in person and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p style="text-align: center;">During the course of hearing the applicant, who is present in person has stated that he is being harassed by this Tribunal. When we asked to tell the name of the person who is harassing him in the Tribunal then he did not tell the name of any one. His aforesaid statement is very surprising and unfortunate when he is not able to tell name of anybody despite making statement in open court that he is being harassed by this Tribunal. This statement of the applicant shows that he has no confidence in this Tribunal for the reasons best known to him. Applicant is a senior Army Officer.</p> <p style="text-align: center;">In the interest of justice, in view of his aforesaid statement we recuse ourselves from the hearing of this case.</p> <p style="text-align: center;">Let this case be listed before another Bench whenever it is available.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;">JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 37 of 2017

Dharmendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri V.P. Pandey, Advocate, holding brief of Shri K.K.S. Bisht, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Adjournment is prayed on behalf of Shri K.K.S. Bisht, learned counsel for the applicant on account of his non availability.</p> <p>List this case on 07.09.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 76 of 2017

Ashok Kumar Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: V.K. Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Learned counsel for the applicant submits that he shall file written arguments in the case.</p> <p>As prayed, list this case on 24.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 389 of 2017

Kulwant Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Col A.K. Srivastava (Retd), Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Learned counsel for the respondents prays for time to file Policy letter which has been referred in Para-16-B of the counter affidavit.</p> <p>List this case on 20.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 400 of 2017

Guru Prakash Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri P.K. Shukla, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. (A) No. 105 of 2015

Trilok Dutt
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Nishant Verma, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Learned counsel for the applicant prays for adjournment.</p> <p>List this case on 31.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 690 of 2010

Tikam Singh
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Col Y.R. Sharma (Retd), Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Learned counsel for the applicant prays for time for preparing the case and to bring on record the detailed synopsis of the case alongwith relevant case laws.</p> <p>List this case on 06.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 24 of 2012

Yogendra Singh
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Ld. Counsel for the petitioner and Shri Namit Sharma, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Adjournment is prayed on behalf of the applicant.</p> <p>As prayed, list this case on 14.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 16 of 2015

Kamal Singh Bhadoria
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri V.P. Pandey, Advocate holding brief of Shri K.K.S. Bisht, Ld. Counsel for the petitioner and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Adjournment is prayed on behalf of the applicant.</p> <p>List this case on 23.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 12 of 2016

Tohid Ahmad
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri S.K. Malviya, Ld. Counsel for the petitioner and Shri Rajiv Pandey, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Connected Writ Petition was filed in the year 2008.</p> <p>Learned counsel for the petitioner is seeking adjournment today again. Adjournment is being prayed on behalf of the petitioner. The petitioner himself is responsible for delay in disposal of this case.</p> <p>List this case on 10.08.2018 for hearing with the condition that no adjournment shall be entertained on the next date of listing of the case.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1280 of 2018 Inre: O.A. No. Nil of 2018

Surendar Prasad

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri R. Chandra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Maj Piyush Thakran, Departmental Representative.</p> <p><u>M.A. No. 1280 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 19 years, 11 months & 01 day in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 03.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1281 of 2018 Inre: O.A. No. Nil of 2018

Kundan Kumar

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri D.K. Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents assisted by Maj Piyush Thakran, Departmental Representative.</p> <p><u>M.A. No. 1281 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 06 years, 01 months & 22 days in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 03.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1282 of 2018 Inre: O.A. No. Nil of 2018

Kamal Narain Dubey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Wg Cdr Sardul Singh, Departmental Representative.</p> <p><u>M.A. No. 1282 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 08 years, 04 months & 01 day in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 04.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1283 of 2018 Inre: O.A. No. Nil of 2018

Col Vinay Kumar Sarin (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri K.K. Misra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents assisted by Maj Piyush Thakran, Departmental Representative.</p> <p><u>M.A. No. 1283 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 02 years, 01 months & 12 days in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 28.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1284 of 2018 Inre: O.A. No. Nil of 2018

Dev Giri By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Shri G.S. Sikarwar, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: justify;">Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents assisted by Maj Piyush Thakran, Departmental Representative.</p> <p><u>M.A. No. 1284 of 2018</u></p> <p style="text-align: justify;">This is an application for condonation of delay filed by the applicant for fixation of pay. As per office report, it is delayed by 14 years, 05 months & 01 day in filing the Original Application.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: justify;">List this case on 05.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

DY-No. 1616 of 2018 Inre: O.A. No. Nil of 2018

Jitendra Kumar Yadav By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: justify;">Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>DY No. 1616 of 2018</u></p> <p style="text-align: justify;">Registry has noted certain defects in this Original Application and even after granting 15 days time, the defects have not been removed by learned counsel for the applicant.</p> <p style="text-align: justify;">Learned counsel for the applicant prays for and is granted four weeks' further time to remove the defects.</p> <p style="text-align: justify;">List this case on 14.08.2018 for orders.</p> <table style="width: 100%; border: none; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 10px;">SB</p>	(Air Marshal B.B.P. Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal B.B.P. Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

DY-No. 1617 of 2018 Inre: O.A. No. Nil of 2018

Jagdish Narayan Pandey By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: justify;">Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>DY No. 1617 of 2018</u></p> <p style="text-align: justify;">Registry has noted certain defects in this Original Application and even after granting 15 days time, the defects have not been removed by learned counsel for the applicant.</p> <p style="text-align: justify;">Learned counsel for the applicant prays for and is granted four weeks' further time to remove the defects.</p> <p style="text-align: justify;">List this case on 14.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

DY-No. 1618 of 2018 Inre: O.A. No. Nil of 2018

Madhvendra Mishra & Another
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Bhanu Pratap Singh, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents.</p> <p><u>DY No. 1618 of 2018</u></p> <p style="text-align: center;">Registry has noted certain defects in this Original Application and even after granting 15 days time, the defects have not been removed by learned counsel for the applicant.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' further time to remove the defects.</p> <p style="text-align: center;">List this case on 14.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

DY-No. 1619 of 2018 Inre: O.A. No. Nil of 2018

Praveen Kumar Saraswat
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Saxena, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents.</p> <p><u>DY No. 1619 of 2018</u></p> <p>Registry has noted certain defects in this Original Application and even after granting 15 days time, the defects have not been removed by learned counsel for the applicant.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' further time to remove the defects.</p> <p>List this case on 14.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

DY-No. 1620 of 2018 Inre: O.A. No. Nil of 2018

Satya Prakash By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: justify;">Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p><u>DY No. 1620 of 2018</u></p> <p style="text-align: justify;">Registry has noted certain defects in this Original Application and even after granting 15 days time, the defects have not been removed by learned counsel for the applicant.</p> <p style="text-align: justify;">Learned counsel for the applicant prays for and is granted four weeks' further time to remove the defects.</p> <p style="text-align: justify;">List this case on 14.08.2018 for orders.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="margin-top: 10px;">SB</p>	(Air Marshal B.B.P. Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal B.B.P. Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

DY-No. 1626 of 2018 Inre: O.A. No. Nil of 2018

Aditya Narayan Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri R.C. Shukla, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p><u>DY No. 1626 of 2018</u></p> <p style="text-align: center;">Registry has noted certain defects in this Original Application and even after granting 15 days time, the defects have not been removed by learned counsel for the applicant.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' further time to remove the defects.</p> <p style="text-align: center;">List this case on 14.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 108 of 2018 Inre: O.A. No. 150 of 2017

Dharmendra Pratap Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Col Rakesh Johri (Retd), Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 108 of 2018</u></p> <p style="text-align: center;">This is an application filed by the applicant for execution of order dated 20.09.2017 passed in O.A. No. 150 of 2017.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with.</p> <p style="text-align: center;">List this case on 30.08.2018 for orders.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="margin-top: 10px;">SB</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 109 of 2018 Inre: O.A. No. 487 of 2017

Kuber Singh Shakya By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 109 of 2018</u></p> <p style="text-align: center;">This is an application filed by the applicant for execution of order dated 24.01.2018 passed in O.A. No. 487 of 2017.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with.</p> <p style="text-align: center;">List this case on 30.08.2018 for orders.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>SB</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 110 of 2018 Inre: O.A. No. 219 of 2015

Kamta Prasad By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: justify;">Present: Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 110 of 2018</u></p> <p style="text-align: justify;">This is an application filed by the applicant for execution of order dated 09.11.2017 passed in O.A. No. 219 of 2015.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with.</p> <p style="text-align: justify;">List this case on 30.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No 1

M.A No. 1277 of 2018 with M.A. No. 1278 of 2018
Inre: T.A. No. 692 of 2010

Union of India & Others
By Legal Practitioner for the Petitioner

Petitioner

Versus

Suresh Kumar Soni
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Amit Sharma, Ld. Counsel for the petitioner and none for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1278 of 2018</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 22.11.2017, passed by this Court in T.A. No. 692 of 2010.</p> <p>This application has been filed by the petitioner after a period of limitation. As per stamp reporter's report, there is delay of 06 months & 10 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly</i></p>

everybody including the Government.”

The Hon’ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon’ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 1277 of 2018

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the petitioner beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also **rejected**.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

SB

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{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex.A.No.111 of 2018
Inre O.A.No. 291 of 2016

Col Rattan Singh (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri KK Misra, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents.</p> <p><u>Ex-A No. 111 of 2018</u></p> <p style="text-align: center;">This is an application for execution of the order dated 07.12.2017 passed in O.A.No. 291 of 2016.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to seek instructions and to explain as to why the order under execution has not been complied with.</p> <p style="text-align: center;">List this case on 31.08.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A) PKG</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex.A.No.112 of 2018
Inre O.A.No. 116 of 2017

Smt Sadhana Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri R Chandra, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p><u>Ex-A No. 112 of 2018</u></p> <p style="text-align: center;">This is an application for execution of the order dated 07.02.2018 passed in O.A.No. 116 of 2017.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to seek instructions and to explain as to why the order under execution has not been complied with.</p> <p style="text-align: center;">List this case on 31.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex.A.No.113 of 2018
Inre O.A.No. 219 of 2011

Gupteshwar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri R Chandra, learned counsel for the applicant and Dr Chet Narayan Singh, learned counsel for the respondents.</p> <p><u>Ex-A No. 113 of 2018</u></p> <p>This is an application for execution of the order dated 19.01.2018 passed in O.A.No. 219 of 2011.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to seek instructions and to explain as to why the order under execution has not been complied with.</p> <p>List this case on 31.08.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A.No.1287 of 2018 with M.A.No. 1288 of 2018
Inre O.A.No. 390 of 2017

Union of India & others

Applicants

By Legal Practitioner for the Applicants

Versus

Awadh Bihari Murotiya

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Dr SN Pandey, learned counsel for the applicants and Col AK Srivastava (Retd), learned counsel for the respondents. <u>M.A.No. 1288 of 2018</u></p> <p>This is an application for condonation of delay in moving the Modification Application.</p> <p>The grounds shown in the affidavit filed in support of the modification application are sufficient.</p> <p>Accordingly, the application is allowed and the delay in filing the modification application is hereby condoned. <u>M.A.No.1287 of 2018</u></p> <p>This is an application for modification of the order dated 31.01.2018 passed by this Tribunal in O.A.No. 390 of 2017.</p> <p>Though this application has not been properly drafted, but it has been pointed out by the learned counsel for the respondents that Awadh Bihari Murotiya (Applicant in the O.A.) was discharged in the year 1981 and at that time the benefit of broad binding could not be extended to the applicant. However, in the order passed by this Tribunal, benefit of broad binding from 40% to 50% has been granted to the applicant with effect from his date of discharge.</p> <p>Col AK Srivastava (Retd), learned counsel for the applicant has admitted this legal position that broad binding is possible only w.e.f. 01.01.1996. Hence, with the consent of the learned counsel for the parties, the application for modification of the order of the Tribunal is allowed.</p> <p>Accordingly, this modification application is allowed and the order of the Tribunal dated 31.01.2018 passed in O.A.No. 390 of 2017 is hereby modified to the extent that the benefit of broad</p>

binding is not to be extended to Awadh Bihari Murotiya (Applicant in the O.A.) for two years after his discharge i.e. 21.03.1981. Awadh Bihari Murotiya (Applicant in the O.A.) shall be entitled to the disability pension @ 40% for two years from the date of his discharge.

With the above modification, this application is disposed of.

**(Air Marshal BBP Sinha
Rathore)**

Member (A)

PKG

(Justice S.V.S.

Member (J)

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{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

DY No. 718 of 2017
Inre T.A.No. 948 of 2010

Raghunandan Prasad
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: None for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>In this T.A., earlier counsel of the petitioner Shri PN Chaturvedi has expired. The notice sent to the applicant has not been personally served on the petitioner, nor the same has been received back, even after expiry of 30 days time.</p> <p>In the interest of justice, Office is directed to issue fresh notice to the petitioner to engage another counsel, if he wants to proceed with his case.</p> <p>List this case on 20.09.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex.A.No.197 of 2017
Inre O.A.No.157 of 2017

Jevanand
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Om Prakash Kushwaha, learned counsel for the applicant and Dr Gyan Singh, learned counsel for the respondents alongwith Major Piyush Thakran, Departmental Representative.</p> <p style="text-align: center;">Major Piyush Thakran, Departmental Representative submits that vide order dated 30.06.2017 under execution, a direction was issued to the respondents to grant enhanced disability pension to the applicant by rounding off @ 50% for life from three years prior to filing the O.A. It is submitted that the applicant was in service during that period, therefore, the earlier sanction order was corrected and now the correct sanction order has been issued and requisite PPO shall be issued within a short time.</p> <p style="text-align: center;">List this case on 23.08.2018 for orders.</p> <p style="text-align: center;">Meanwhile, compliance report may be filed by the learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A) PKG</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex.A.No.11 of 2018
Inre O.A.No.125 of 2013

Abhishek Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: None for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p style="text-align: center;">It is submitted on behalf of the respondents that Civil Appeal Diary No.9901 of 2018 has been filed before the Hon'ble Apex Court and vide order dated 27th April 2018, Hon'ble Apex Court has stayed the execution of the impugned order.</p> <p style="text-align: center;">List this case on 30.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex.A.No.30 of 2018
Inre O.A.No.119 of 2017

Smt Rajwati Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Angrej Nath Shukla, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>Ex.A.No.30 of 2018</u> This is an application for execution of the order dated 19.09.2017 passed in Ex. Application No.142 of 2017 (O.A.No. 119 of 2017).</p> <p>Learned counsel for the respondents is hereby directed to file an affidavit as to how many times, the case of the applicant has been considered for compassionate appointment. The submission of the learned counsel for the respondents is that at present vacancy for appointment on compassionate ground has been ceased by the Ministry of Defence and no vacancy is in existence for consideration of the applicant on compassionate appointment. It is further submitted that the applicant has been empanelled in the list. However, for want of vacancy, she could not be considered.</p> <p>Respondents are directed to file an affidavit on this matter indicating following aspects i.e., number of chances the applicant has already been considered after submission of her application for compassionate appointment, how many chances are left as per policy for being considered for compassionate appointment; what is the date when last Board was held for compassionate appointments; since which date and vide which letter, MOD has ceased vacancy for compassionate appointments and when is the applicant likely to be considered again in future.</p> <p>List this case on 16.08.2018 for orders.</p> <p>(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 82 of 2017 Inre: O.A. No. Nil of 2017

Sukhvinder Singh Kandari & Ex Sub Gauri Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Satendra Kumar Mishra, Ld. Counsel for the applicant and Ms Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>On request made by Ld. Counsel for the applicant, the case is adjourned for the day.</p> <p>List this case on 06.08.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 638 of 2017 Inre: O.A. No. Nil of 2017

Pramod Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K. Mishra, Ld. Counsel for the applicant and Shri R. C. Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant prays for and is granted two weeks' time to file supplementary rejoinder affidavit.</p> <p style="text-align: center;">List this case on 21.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 107 of 2018 with M.A. No. 108 of 2018
Inre: O.A. No. 316 of 2012

Krishna Kant Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the applicant and Maj Piyush Thakran OIC Legal Cell for the respondents.</p> <p style="text-align: center;">Shri R. Chandra, Advocate submits that he shall file power on behalf of the applicant since the earlier counsel Shri P.N. Chaturvedi has expired.</p> <p style="text-align: center;">List this case on 13.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 312 of 2018 with M.A. No. 906 of 2018
Inre: O.A. No. Nil of 2018

Bhagwan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri P Kumar, Advocate holding brief for Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p>Shri P Kumar, Advocate prays for adjournment on the ground that the arguing counsel is not available today.</p> <p>As per office report, cost imposed by this Tribunal vide order dated 09.02.2018 has not yet been deposited by the applicant.</p> <p>List this case on 14.08.2018 for orders.</p> <p>The cost shall be deposited by the applicant positively by the next date of listing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1185 of 2018 Inre: O.A. No. Nil of 2018

Smt Rupa Kumari Thapa
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that the O.A. may be dismissed as withdrawn with liberty to file afresh.</p> <p>O.A. is accordingly dismissed as not pressed with liberty aforesaid.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 202 of 2012 with M.A. No. 448 of 2018

Vijay Kant Shukla
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 448 of 2018</u></p> <p>By means of this application, the applicant has prayed to bring certain documents on record which seem to be necessary for just decision of the case.</p> <p>Amendment application is allowed. Let amendment be incorporated in the O.A. within a week.</p> <p>List this case on 17.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 266 of 2012 with M.A. No. 896 of 2018

Shubhash Chand
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that he does intend to file supplementary rejoinder affidavit and the case may be listed for final hearing.</p> <p>As prayed, list the case on 20.08.2018 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original records for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 213 of 2016

Suresh Singh Chauhan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Wg Cdr Sardul Singh, OIC Legal Cell for the respondents.</p> <p style="text-align: center;">OIC Legal Cell prays for adjournment on the ground that Ld. Counsel for the respondents is out of station. He has produced before us the proceedings of court of inquiry.</p> <p style="text-align: center;">Respondents are directed to bring on record the conclusion of the court of inquiry by means of an affidavit by the next date of listing.</p> <p style="text-align: center;">List this case on 28.08.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, Ld. Counsel for the respondents shall produce original records for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

R.A. No. 31 of 2018 Inre: O.A. No. 135 of 2014

Union of India & Others
By Legal Practitioner for the Applicant-Respondents
Versus
Rajendra Pratap Singh
By Legal Practitioner for Respondent-Applicant

Applicant-Respondents

Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri A.K. Gupta and Shri D.C. Lohumi, Ld. Counsel for the applicant-respondents assisted by Maj Rajshri Nigam, OIC Legal Cell and Shri V.P. Pandey, Ld. Counsel for the respondent-applicant.</p> <p>Ld. Counsel for the respondent-applicant prays for time to go through the record and inform the Court on what date the case was restored to its original number.</p> <p>List the case on 17.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 203 of 2013

Pushkar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri P.K. Shukla, Advocate holding the brief for Shri V.A. Singh, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p>Shri P.K. Shukla, Advocate prays for adjournment on the ground that the arguing counsel is not available today.</p> <p>List this case on 28.08.2018 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original records for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 151 of 2017

Manish Shukla
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Veerendra Kumar, Advocate holding brief for Shri S.N. Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Shri Veerendra Kumar, Advocate prays for adjournment on the ground that Ld. Counsel for the applicant is out of station.</p> <p>As prayed, the case is adjourned.</p> <p>List this case on 06.09.2018 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original records for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 329 of 2017

Bag Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K.S. Bisht, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard Ld. Counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 630 of 2017

Sunil Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri A.K. Gupta, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant prays for time to file supplementary rejoinder affidavit.</p> <p>List the case on 29.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 1480 of 2010

Harikesh Pandey
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Amit Kumar Prasad, Ld. Counsel for the petitioner and Shri Md Zafar Khan, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard Ld. Counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 82 of 2012

Mahavir Singh Rawat
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Y.R. Sharma and Shri K.K.S. Bisht, Ld. Counsel for the petitioner and Shri R.K.S. Chauhan, Ld. Counsel for the respondents assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p>Shri Y.R. Sharma, Advocate has filed power on behalf of the applicant which is taken on record. He prays for time to prepare the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case on 04.09.2018 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original records for perusal of the Bench.</p> <p>On the next date of listing name of Shri Y.R. Sharma, Advocate shall be shown as Ld. Counsel appearing for the applicant. Name of Shri P.N. Chaturvedi, Advocate (since deceased) shall be deleted.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 42 of 2016

Smt Savitri Devi
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri KK Mishra, Ld. Counsel for the petitioner and Shri Virendra Singh, Ld. Counsel for the respondents assisted by Maj Rajshri Nigam, OIC Legal Cell.</p> <p>Shri KK Mishra, Advocate has filed power on behalf of the petitioner since the earlier counsel Shri P.N. Chaturvedi is no more.</p> <p>Shri KK Mishra prays for adjournment to enable him to prepare the case.</p> <p>List this case on 09.08.2018 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original records for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 55 of 2017

Sgt A K Das
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Ms Nisha Pandey, Ld. Counsel for the petitioner and Shri Rajiv Pandey, Ld. Counsel for the respondents assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>Ms Nisha Pandey, Ld. Counsel for the applicant prays for adjournment of the case. The case is accordingly adjourned.</p> <p>As prayed list the case on 08.08.2018 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original records for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ANB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1273 of 2018 Inre: O.A. No. Nil of 2018

Ram Prakash
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh, Advocate, on behalf of respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the next date.</p> <p>Present: Shri V.R. Gupta, Ld. Counsel for the applicant and Shri Ashis Kumar Singh, Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1273 of 2018</u></p> <p>This is an application for condonation of delay in filing Original Application. Learned counsel for the respondents submits that there is delay of thirty two years and one month in filing the Original Application. He prays for and is granted four weeks' time to file objection on application for condonation of delay. Reply, if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 10.09. 2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 1285 of 2018 Inre: O.A. No. Nil of 2018

Itwari Lal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>In this case, the applicant had earlier challenged dismissal order by preferring an application which was dismissed as withdrawn vide order of this Tribunal dated 23.08.2016. Now the applicant has preferred the present Original Application with following prayers:-</p> <p style="text-align: center;"><i>“That this Hon’ble Tribunal may kindly be pleased to convert the dismissal dated 21.08.1979, of the applicant into discharge on extreme compassionate grounds and to further condone the shortfall in the qualifying service for pension and to grant him appropriate service pension in the interest of justice.”</i></p> <p>Learned counsel for the respondents has made certain observations on merit apart from delay in filing the Original Application.</p> <p>Learned counsel for the applicant prays for further time for better preparation of the case.</p> <p>List this case on 13.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 301 of 2018

Manish Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Yogesh Kesarwani, Advocate, on behalf of respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the next date.</p> <p>Present: Shri Alok Kumar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesawrani, Ld. Counsel for the respondents.</p> <p>By means of this Original Application, the applicant has prayed for re-instatement in service and grant of disability pension. It is a fit case for adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 11.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 302 of 2018

Suryabhan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Adesh Kumar Gupta, Advocate, on behalf of respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the next date.</p> <p>Present: Shri O.P. Kushwaha, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>By means of this Original Application, the applicant has made following prayer:-</p> <p style="text-align: center;"><i>“Issue appropriate order or direction to the respondents to consider and decide the representation dated 13.12.2017 made on behalf of applicant for promotion to the post of Naib Subedar which is contained as Annexure no. 1 to this O.A.”</i></p> <p>The applicant is in service and his representation dated 13.12.2017 is pending with the respondents.</p> <p>With the consent of learned counsel for the parties, respondents are directed to dispose of representation of the applicant dated 13.12.2017 within six months by a speaking and reasoned order, if not already decided, and communicate the decision to the applicant.</p> <p>Registry is directed to provide copy of this order to learned counsel for the party within forty eight hours for their further action.</p> <p>The Original Application is disposed off accordingly.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

D.Y. No. 1513 of 2018 Inre: O.A. No. Nil of 2018

Bharat Chandra Biswas
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>Learned counsel for the applicant submits that he will file amendment application to amend prayer clause during the course of the day after serving a copy to learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on amendment application.</p> <p>List this case on 17.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex-A No. 162 of 2017 Inre: T.A. No. 149 of 2010

Virendra Kumar By Legal Practitioner for the Petitioner	Petitioner
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rohit Kumar, Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that this Tribunal judgment and order dated 25.01.2017 passed in T.A. No 149 of 2010 has been stayed vide Hon'ble Apex Court order dated 04.05.2018 passed in SLP No 10621 of 2018.</p> <p style="text-align: center;">List this case on 22.10.2018 for orders.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="margin-top: 10px;">ukt</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 1480 of 2010

Harikesh Pandey
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Amit Kumar Prasad, Ld. Counsel for the petitioner and Mohd Zafar Khan, Ld. Counsel for the respondents.</p> <p>It transpires from the perusal of record that the petitioner preferred Civil Misc. Writ Petition No. 39586 of 2002 before Hon'ble High Court of Judicature at Allahabad wherein Hon'ble Single Judge, High Court, Allahabad vide order dated 03.10.2005 has passed the following order:-</p> <p style="text-align: center;"><i>“Admittedly, since the matter was pending, the respondents did not release the pension, therefore, it does not lie in the mouth of the respondents to allege that the relevant record was not available. In my opinion, the respondent should have processed the case on a war footing. By delaying the matter by 4 years, the petitioner is entitled for payment of interest.</i></p> <p style="text-align: center;"><i>In the circumstances of the case, no useful purpose would be served in remitting the matter back to the respondents to calculate the interest. Instead of calculating the interest, I direct the respondents to pay a lump sum payment of Rs. 8,000/- to the petitioner towards interest.”</i></p> <p>Thus, the Hon'ble High Court vide order dated 03.10.2005 has ordered to pay lump sum interest which was quantified to Rs. 8,000/- for delayed payment of pension. Feeling aggrieved thereby the petitioner preferred Special Appeal (Defective) No. 374 of 2006 before the Hon'ble High Court of Judicature at Allahabad which has been transferred to this Tribunal under Section 34 of the Armed Forces Tribunal Act 2007 vide</p>

order dated 28.10.2010 and re-numbered as T.A. No 1480 of 2010.

It transpires from the perusal of the record that this T.A. was dismissed on 30.01.2014 for non prosecution. Subsequently, restoration application was filed which was allowed vide order dated 13.04.2018.

Learned counsel for the respondents at the very outset has raised preliminary objection regarding maintainability of this T.A. before this Tribunal. It was argued that learned Single Judge High Court, Allahabad has quantified entire interest amounting to Rs. 8,000/- which the petitioner was claiming on account of delay in payment of pension, hence there is no legal question involved in this case. He has also argued that this Tribunal has no jurisdiction to sit in Appeal against the order passed by the Hon'ble High Court. He has raised preliminary objection that this Tribunal cannot exercise appellate jurisdiction against the order passed by Hon'ble Single Judge of Hon'ble High Court and as such this Special Appeal is not maintainable in this Tribunal.

The question involved in this case is whether Special Appeals pending before Hon'ble High Court can be transferred to this Tribunal and whether this Tribunal can entertain such Special Appeals?

Learned counsel for the petitioner has filed a compilation of case laws on the point involved in this case. In Special Appeal (Defective) No. 610/2002 Hon'ble Division Bench Vide order dated 30.05.2011 referred the same controversy to the Hon'ble Full Bench. The point which was referred to Hon'ble Full Bench was as under:-

“Whether an Special Appeal filed under Chapter VIII Rule 5 of the Rules of the Court against a judgment of the learned Single Judge pending adjudication immediately prior to the constitution of the Armed Forces Tribunal under the Armed Forces Tribunal Act, 2007 can be transferred to the Tribunal as held by the Division Bench in Ram Baran’s Case (Supra) in the light of the express purpose and the language employed in Sections 34 and 35 of the said Act and also the judgment rendered in L. Chandra Kumar’s Case, (Supra) by the Apex Court”?

The Full Bench has considered the matter. Copy of the judgment passed by the Full Bench has also been filed. Opinion given by one Hon'ble

Judge of the Full Bench is as under:-

“POINT –IV- WHETHER TRANSFERRING OF PENDING CASES FROM THE HIGH COURT WILL AFFECT THE SUPERVISORY JURISDICTION OF THE HIGH COURT

25. *The Supreme Court in L. Chandra Case (Supra) held that all decisions of Tribunal will be subject to writ jurisdiction of High Court under Article 226/227 of the Constitution before a Division Bench of the High Court. The supervisory jurisdiction is required to be examined against the final judgment of the Tribunal. By transfer of the cases for trial on issue of facts and law from the High Court to the Tribunal, supervisory jurisdiction is not affected. Thus in transferring the cases for trial before alternative specialized Civil Adjudicatory Forum established under the Act, supervisory jurisdiction of High Court is not affected in any manner.*

26. *On the basis of aforesaid discussion I hold that special appeals (which are covered within purview of Section 14 of the Act) are also transferred to the Tribunal under Section 34 of the Act.”*

However the majority of two Hon’ble Judges decided the point referred as under:-

“In view of the foregoing discussions, we are of the considered opinion that the special appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 against the judgment and order of the learned Single Judge pending adjudication immediately prior to the constitution of the Armed Forces Tribunal is not liable to be transferred to the Tribunal and the decision rendered by the Division Bench in Ram Baran (Supra) does not lay down the correct law.

In view of the majority opinion, the answer to the question referred to is that a special appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 against the judgment and order of the learned Single Judge pending adjudication immediately prior to the constitution of the Armed Forces Tribunal under the Armed Forces Tribunal Act, 2007 is not liable to be transferred.

Let the matter be placed before the appropriate Division Bench.”

While expressing the aforesaid opinion the Full Bench (Majority View) has placed reliance on the pronouncement of Hon’ble M.P. High Court in Writ Appeal No. 156/2009 Ganga Dutt vs Union of India & others, decided on 15.09.2009 wherein Hon’ble Deepak Mishra, J (as His Lordship then was) has considered the issue and concluded as under:-

“10. The basic facet as is perceived is that an order passed by the High Court can not be made the subject matter of challenge before a statutory Tribunal. That is the legislative intendment behind the aforesaid two provisions. A distinction has been deliberately made between transfer of a pending case, an appeal against the decree or order passed by any Court and that passed by the High Court.”

After the pronouncement of the majority opinion the matter was placed before Hon'ble Division Bench of the High Court and the said Special Appeal was heard by the Division Bench of the High Court and it was dismissed on 19.02.2013.

Learned counsel for the parties have argued that the Special Appeal in view of the judgment of Hon'ble Full Bench cannot be transferred to this Armed Forces Tribunal. Accordingly the same cannot be entertained by this Tribunal.

Thus, the view the opinion expressed by the Full Bench such Special Appeals are not liable to be transferred.

Thus, contention of learned counsel for the petitioner is correct. The legal position is that the Special Appeals are not liable to be transferred to this Tribunal as has been held by Hon'ble Full Bench of Hon'ble High Court, Allahabad.

Accordingly, this Special Appeal deserved to be returned to Hon'ble High Court Allahabad. Registrar of this Tribunal is directed to return the record of this petition to Registrar General, High Court of Judicature at Allahabad.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A. No. 267 of 2018

Pooran Lal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri RC Shukla, Advocate on behalf of the respondents is taken on record.</p> <p>Present: Shri Lal Chand Sahu, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p>1. By mean of this O.A., the applicant has made the following prayer :</p> <p>“(a) <i>The Hon'ble Tribunal may please to issue order or direction Commanding respondents to decide the first Appeal filed by the Applicant (Annexure No. 1 to compilation No. 1) to the Original Application.</i></p> <p>(b) <i>The Hon'ble Tribunal may please to issue order or direction to respondents to reinstate the applicant in the service or pay him service pension and disability pension.</i></p> <p>(c) <i>The Hon'ble Tribunal may please to issue order or direction which this Hon'ble Court may deem fit and proper under circumstances of the case.”</i></p> <p>2. In brief the facts for the purpose of the instant O.A. are as under :</p> <p>The applicant was enrolled in the Indian Army on 20.08.1966. However the applicant has not mentioned the date of his dismissal in his O.A., but it transpires from perusal of annexure (page 18 of the O.A.), the applicant was enrolled in the Army Medical Corps on 20th August 1966 and was dismissed from service on 20.09.1982.</p> <p>3. It has been argued on behalf of the respondents that this O.A. is not maintainable as the applicant is virtually making a ground for condoning the delay in challenging his dismissal, which took place about 36 years ago. It is submitted on behalf of the respondents that the applicant has come up with a prayer which appears to be innocuous on the face of it, but virtually it is an effort by the applicant to get the delay of 38 years condoned in challenging his dismissal which took place in the year 1982.</p> <p>4. The applicant had moved an application for condonation of delay</p>

before the Addl. Director General, Personal Services, New Delhi on 21.09.2015 alongwith his time bared appeal preferred by him in the year 2015. Thereafter, he has sent several reminders for the said purposes. It is submitted by the learned counsel for the applicant that the applicant, while he was on a break journey, got down at Bareilly and went to see his father, who died later on. He became ill and lost his memory and was under treatment of deshi medicines, jadi booti through a local Vadyaji. When he regained his memory, then he moved an application under RTI Act, whereby he was informed to prefer statutory appeal. Accordingly, statutory appeal was preferred.

5. Thus, admittedly while the applicant was in service, he got down at Bareilly and thereafter he, for the first time, sought an information in the year 2010 under the RTI Act. We have examined the order passed by the Public Information Officer, AMC Records, which reads as under :

“REGISTERED BY POST

Tele : 6111

Sena Chikitsha Corps, Abhilekh Karyalaya
Army Medical Corps Record Office
(Legal Cell)
PIN – 900450
C/o 56 APO

703000/A/LC/RTIA/2010

03 May 2010

Ex Sepoy Pooran Lal
C/o Shri Narhee Singh Advocate
Civil Lines Beharipur (Ovremaran)
Bareilly

INFORMATION UNDER RTI ACT – 2005

1. Refer your application dated 26 Apr 2010 received 29 Apr 2010.
2. On checking of documents available with this office, it is evident that you were enrolled in Army Medical Corps on 29 Aug 1966 and discharged/dismissed from service on 20 Sep 1982. Your cause of discharge was dismissal from service, Hence, you are not eligible for any kind of pension and benefits, in terms of 16 & 113 (a) of Pension Regulations for the Army, 1961 (Part-I), which stipulates that an individual who is dismissed from service under the provision of Army Act are not eligible for pension or gratuity in respect of all previous service as a measure of penalty.
3. In case you are dissatisfied with information/documents provided by PIO, you may prefer an appeal to 1st appellate authority, address is indicated as under :-

Maj Gen AK Dubey
Appellate Authority
AMC Records, Lucknow

4. Kindly return the certificate enclosed, duly signed stating that you have received the information.

Sd/- x x x x x x
(SK Raj)
Lt Col
Public Information Officer
AMC Records

Encls : As above.”

6. Thus, the applicant was advised to prefer an appeal, if he was aggrieved by the reply given by the Public Information Officer, details of which were given in the said reply dated 03rd May 2010, but instead of preferring an appeal under R.T.I. Act , he has filed first appeal after about 33 years of his dismissal on the misreading of the said reply that he was advised to prefer statutory appeal.

7. The applicant has moved several reminders for disposal of his first appeal and now his prayer is that this first appeal be disposed of by the respondents.

8. Learned counsel for the respondents has also argued that after such a long lapse of time, entire records must have been weeded out and the respondents would not be in a position to entertain and dispose of statutory appeal.

9. Keeping in view of innocuous prayer of the applicant and observing that it has been moved after 33 years, we dispose of this O.A. finally with the direction to the respondents to dispose of the pending first appeal, in accordance with law. It is hereby made clear that we have not condoned the delay in preferring the first appeal. The respondents are absolutely free to take their own decision in this regard.

10. Accordingly, this O.A. is finally disposed of.

Office is directed to provide to copy of this order to the learned counsel for the respondents within a week free of cost.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

PKG

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 46 of 2017

Smt Anamika Chaudhary
By Legal Practitioner for the Petitioner

Petitioner

Versus

Smt Rajesh Verma & Anothers
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the petitioner and Shri D.C. Lohumi, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p>1. This case has been received from the Court of Civil Judge (SD), Muzaffarnagar, whereby O.S.No.601 of 2013 pending in the Court of Civil Judge (SD), Muzaffarnagar has been transferred to this Tribunal vide order dated 01.08.2017 on the application of the petitioner/plaintiff in the original suit. It has been registered as T.A.No. 46 of 2017 by the Registry.</p> <p>2. On behalf of the respondents, it has been argued that the relief claimed by the petitioner in the said O.A. is not cognizable by this Tribunal. The petitioner has made a prayer to the effect that a declaration be made to the effect that the petitioner/plaintiff in the O.S. namely Smt Anamika Chaudhary is entitled to entire property and all benefits on the basis of a Will dated 22.01.2001 executed by late Lalit Kumar Chaudhary son of Raj Pal Verma. This suit has been filed against the private opposite parties namely Smt Rajesh Verma and Shri Rajpal Verma. On the application of the petitioner, the Civil Judge (SD), Muzaffarnagar directed that the case be transferred to the Armed Forces Tribunal.</p> <p>3. On behalf of the Union of India, it is argued that none of the opposite parties is Armed Forces Authority. Apart from it, the prayer of the petitioner is declaratory in nature, which cannot be tried by this Tribunal as this Tribunal has limited jurisdiction to deal with the service matters only, while the prayer of the petitioner is with regard to her civil rights, which are not cognizable by this Tribunal.</p> <p>4. In reply to this submission, learned counsel for the petitioner has also admitted this settled legal position, which may be stated as under :</p> <p style="text-align: center;">Section 14 of the Armed Forces Tribunal Act, 2007 deals with the jurisdiction, powers and authority of the Tribunal, which reads as under:</p>

“14 Jurisdiction, powers and authority in service matters. —

(1) Save as otherwise expressly provided in this Act, the Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority, exercisable immediately before that day by all courts (except the Supreme Court or a High Court exercising jurisdiction under article 226 and 227 of the Constitution) in relation to all service matters.

(2) Subject to the other provisions of this Act, a person aggrieved by an order pertaining to any service matter may make an application to the Tribunal in such form and accompanied by such documents or other evidence and on payment of such fee as may be prescribed.”

5. The aforementioned two sub-sections makes it abundantly clear that the jurisdiction of this Tribunal is restricted only in connection with the service matters regarding the persons, who are covered by the Army Act, Air Force Act or Navy Act.

6. What matters would fall within the definition of service matters has been defined under Section 3(o) of the Armed Forces Tribunal Act, 2007, which reads as under:

“Section 3(o) in the Armed Forces Tribunal Act, 2007

(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include—

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) any other matter, whatsoever, but shall not include matters relating to—

(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and

(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).

(iii) leave of any kind;

(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months”

7. Thus, the word “service matters” has also been defined and the prayer of the petitioner does not fall within the purview of service matters by any stretch of imagination

8. Section 2 deals with the applicability of the Act which reads as under:

“2. Applicability of the Act.—*(1) The provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).*

(2) This Act shall also apply to retired personnel subject to the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters.”

9. Lastly, at this stage we would like to reproduce Section 34 of the Armed Forces Tribunal Act, 2007, which reads as under:

34 Transfer of pending cases. —

(1) Every suit, or other proceeding pending before any court including a High Court or other authority immediately before the date of establishment of the Tribunal under this Act, being a suit or proceeding the cause of action whereon it is based, is such that it would have been within the jurisdiction of the Tribunal, if it had arisen after such establishment within the jurisdiction of such Tribunal, stand transferred on that date to such Tribunal.

(2) Where any suit, or other proceeding stands transferred from any court including a High Court or other authority to the Tribunal under sub-section (1),—

(a) the court or other authority shall, as soon as may be, after such transfer, forward the records of such suit, or other proceeding to the Tribunal;

(b) the Tribunal may, on receipt of such records, proceed to deal with such suit, or other proceeding, so far as may be, in the same manner as in the case of an application made under sub-section (2) of section 14 from the stage which was reached before such transfer or from any earlier stage or de novo as the Tribunal may deem fit.

(underlined by us)

10. Thus, it is clear from Section 34 also that only those cases ought to be transferred to this Tribunal, wherein the cause of action was of such nature which was triable by this Tribunal. As stated earlier, this Tribunal is competent to entertain the disputes regarding the service matters as defined under Section 3(o) of the Armed Forces Tribunal Act, 2007 regarding persons who are governed by Army Act, Navy Act or Air Force Act.

11. It is true that the deceased Late Lalit Kumar Chaudhary was an Army Personnel, but keeping in view the prayer which is declaratory in nature for the declaration of the civil rights of the petitioner on the basis of a Will, does not fall within the ambit of service matters. Accordingly, this T.A. is not maintainable before this Tribunal and it was cognizable only by the Civil Judge (SD), Muzaffarnagar, where it was pending.

12. Accordingly, this O.A. is not maintainable in this Tribunal.

Registry is directed to send back the records of this case to the court concerned to proceed with the case, in accordance with law.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

PKG

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
T.A. No. 47 of 2017

Smt Rajesh Verma
By Legal Practitioner for the Petitioner

Petitioner

Versus

Smt Anamika Chaudhary & Ors
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the petitioner and Shri D.C. Lohumi, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p>1. This case has been received from the Court of Civil Judge (SD), Muzaffarnagar. O.S.No.566 of 2003 pending in the Court of Civil Judge (SD), Muzaffarnagar has been transferred to this Tribunal vide order dated 01.08.2017 on the application of the petitioner/plaintiff in the original suit. It has been registered as T.A.No. 47 of 2017 by the Registry.</p> <p>2. It transpires from the order dated 01.08.2017 passed by the Civil Judge (SD), Muzaffarnagar that on the application of the petitioner in the original suit, this case has been transferred to this Tribunal.</p> <p>3. Learned counsel for the respondents has submitted that in this case no relief has been claimed against the Armed Forces nor any Army authority has been impleaded as respondent. The prayer made by the petitioner/plaintiff in the original suit, does not fall within the purview of service matters. The reliefs claims by the petitioner are not cognizable by this Tribunal, hence this Tribunal has no jurisdiction to proceed with the case and it has to be sent back to the court concerned.</p> <p>4. Learned counsel for the petitioner is also in agreement with the aforesaid legal position. The relief of the petitioner in the instant O.A. is to issue a succession certificate only.</p> <p style="text-align: center;">Section 14 of the Armed Forces Tribunal Act, 2007 deals with the jurisdiction, powers and authority in service matters, which reads as under:</p> <p style="text-align: center;"><i>“14 Jurisdiction, powers and authority in service matters. —</i></p> <p style="text-align: center;"><i>(1) Save as otherwise expressly provided in this Act, the Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority, exercisable immediately before that day by all courts (except the Supreme Court or a High Court exercising jurisdiction under article 226 and 227 of the Constitution) in relation to all service matters.</i></p>

(2) Subject to the other provisions of this Act, a person aggrieved by an order pertaining to any service matter may make an application to the Tribunal in such form and accompanied by such documents or other evidence and on payment of such fee as may be prescribed.”

5. The aforesaid two sub-sections make abundantly clear that the jurisdiction of this Tribunal is restricted only to the service matters regarding the persons, who are covered by the Army Act, Air Force Act or Navy Act.

6. What would fall within the definition of service matters defined under Section 3(o) of the Armed Forces Tribunal Act, 2007, which reads as under:

“Section 3(o) in the Armed Forces Tribunal Act, 2007

(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include—

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) any other matter, whatsoever, but shall not include matters relating to—

(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and

(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).

(iii) leave of any kind;

(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months”

7. Thus, the word “service matters” has also been defined and the prayer of the petitioner does not fall within the purview of service matters by any stretch of imagination

8. Section 2 deals with the applicability of the Act which reads as under:

“2. Applicability of the Act.—(1) The provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).

(2) This Act shall also apply to retired personnel subject to the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters.”

9. Lastly, at this stage we would like to reproduce Section 34 of the Armed Forces Tribunal Act, 2007, which reads as under:

34 Transfer of pending cases. —

(1) Every suit, or other proceeding pending before any court including a High Court or other authority immediately before the date of establishment of the Tribunal under this Act, being a suit or proceeding the cause of action whereon it is based, is such that it would have been within the jurisdiction of the Tribunal, if it had arisen after such establishment within the jurisdiction of such Tribunal, stand transferred on that date to such Tribunal.

(2) Where any suit, or other proceeding stands transferred from any court including a High Court or other authority to the Tribunal under sub-section (1),—

(a) the court or other authority shall, as soon as may be, after such transfer, forward the records of such suit, or other proceeding to the Tribunal;

(b) the Tribunal may, on receipt of such records, proceed to deal with such suit, or other proceeding, so far as may be, in the same manner as in the case of an application made under sub-section (2) of section 14 from the stage which was reached before such transfer or from any earlier stage or de novo as the Tribunal may deem fit.

(underlined by us)

10. Thus, it is clear from Section 34 also that only those cases ought to be transferred to this Tribunal, wherein the cause of action was of such nature which was triable by this Tribunal. As stated earlier, this Tribunal is competent to entertain the disputes regarding the service matters as defined under Section 3(o) of the Armed Forces Tribunal Act, 2007 regarding persons who are governed by Army Act, Navy Act or Air Force Act.

9. The issue of succession certificate does not fall within the purview of service matters as it relates with the civil rights of the petitioner, which cannot be decided by this Tribunal.

10. Accordingly, this T.A. is not maintainable before this Tribunal and it was cognizable only by the Civil Judge (SD), Muzaffarnagar, where it was pending.

11. Accordingly, this O.A. is not maintainable in this Tribunal.

Registry is directed to send back this record of this case to the court concerned to proceed with the case, in accordance with law.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 45 of 2017

Smt Rajesh Verma
By Legal Practitioner for the Petitioner

Petitioner

Versus

Smt Anamika Chaudhary & Ors
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.07.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the petitioner and Shri D.C. Lohumi, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p>1. This case has been received from the Court of Civil Judge (SD), Muzaffarnagar, whereby O.S.No.566 of 2003 pending in the Court of Civil Judge (SD), Muzaffarnagar transferred to this Tribunal vide order dated 01.08.2017 on the application of the petitioner/plaintiff in the original suit. It has been registered as T.A.No. 45 of 2017 by the Registry.</p> <p>2. It transpires from the order dated 01.08.2017 passed by the Civil Judge (SD), Muzaffarnagar that on the application of the petitioner in the original suit, this case has been transferred to this Tribunal.</p> <p>3. In the original suit, the petitioner has prayed for a direction restraining the opposite parties/respondents in the instant T.A. that they should be restrained from receiving any death benefits or financial assistance to the legal heirs of deceased Lalit Kumar Chaudhari. In the alternative it has been prayed that even if the opposite parties receive any said benefit, then the same be kept safe by the opposite parties and the opposite parties be directed to pay Rs.5000/- per month as maintenance to the plaintiff for the marriage of his daughter. It transpires from the averments of the original suit that the applicant Smt. Rajesh Verma was the mother of the deceased soldier Lalit Kumar Chaudhari and the opposite party namely Anamika Chaudhari is the legally wedded wife of Late Lalit Kumar Chaudhari.</p> <p>4. Learned counsel for the Union of India has submitted that in this case no relief has been claimed against the Army Authorities. No Army authority has been impleaded as respondent. The prayer made by the petitioner/plaintiff in the original suit, does not fall within the purview of service matters. The reliefs claims by the petitioner are not cognizable by this Tribunal, hence this Tribunal has no jurisdiction to proceed with the case and it has to be sent back to the court concerned.</p>

5. A perusal of the prayer clause shows that the petitioner has not claimed any relief from the Army authorities, rather she is claiming maintenance allowance of Rs.5000/- per month for the marriage of her daughter. None of the Army authorities have been made a party in this case nor the petitioner has made any representation to the Army authorities for division of pension, therefore, this O.A. is not maintainable before this Tribunal.

6. Section 14 of the Armed Forces Tribunal Act, 2007 deals with the jurisdiction, powers and authority in service matters, which reads as under:

“14 Jurisdiction, powers and authority in service matters. —

(1) Save as otherwise expressly provided in this Act, the Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority, exercisable immediately before that day by all courts (except the Supreme Court or a High Court exercising jurisdiction under article 226 and 227 of the Constitution) in relation to all service matters.

(2) Subject to the other provisions of this Act, a person aggrieved by an order pertaining to any service matter may make an application to the Tribunal in such form and accompanied by such documents or other evidence and on payment of such fee as may be prescribed.”

7. The aforesaid two sub-sections makes it abundantly clear that the jurisdiction of this Tribunal is restricted only to the service matters regarding the persons, who are covered by the Army Act, Air Force Act or Navy Act.

8. What would fall within the definition of service matters defined under Section 3(o) of the Armed Forces Tribunal Act, 2007, which reads as under:

“Section 3(o) in the Armed Forces Tribunal Act, 2007

(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include—

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) any other matter, whatsoever, but shall not include matters relating to—

(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and

(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).

(iii) leave of any kind;

(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months”

9. Thus, the word “service matters” has also been defined and the prayer of the petitioner does not fall within the purview of service matters by any stretch of imagination

10. Section 2 deals with the applicability of the Act which reads as under:

“2. Applicability of the Act.—*(1) The provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).*

(2) This Act shall also apply to retired personnel subject to the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters.”

11. Lastly, at this stage we would like to reproduce Section 34 of the Armed Forces Tribunal Act, 2007, which reads as under:

34 Transfer of pending cases. —

(1) Every suit, or other proceeding pending before any court including a High Court or other authority immediately before the date of establishment of the Tribunal under this Act, being a suit or proceeding the cause of action whereon it is based, is such that it would have been within the jurisdiction of the Tribunal, if it had arisen after such establishment within the jurisdiction of such Tribunal, stand transferred on that date to such Tribunal.

(2) Where any suit, or other proceeding stands transferred from any court including a High Court or other authority to the Tribunal under sub-section (1),—

(a) the court or other authority shall, as soon as may be, after such transfer, forward the records of such suit, or other proceeding to the Tribunal;

(b) the Tribunal may, on receipt of such records, proceed to deal with such suit, or other proceeding, so far as may be, in the same manner as in the case of an application made under sub-section (2) of section 14 from the stage which was reached before such transfer or from any earlier stage or de novo as the Tribunal may deem fit.

(underlined by us)

12. Thus, it is clear from Section 34 also that only those cases ought to be transferred to this Tribunal, wherein the cause of action was of such nature which was triable by this Tribunal. As stated earlier, this Tribunal is competent to

entertain the disputes regarding the service matters as defined under Section 3(o) of the Armed Forces Tribunal Act, 2007 regarding persons who are governed by Army Act, Navy Act or Air Force Act.

13. Accordingly, this T.A. is not maintainable before this Tribunal and it is cognizable only by the Civil Judge (SD), Muzaffarnagar, where it was pending.

14. Accordingly, this T.A. is dismissed as not maintainable in this Tribunal.

Registry is directed to send back the records of this case to the court concerned to proceed with the case, in accordance with law.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

PKG