

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

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

M.A. No. 288 of 2022 Inre : O.A. (A) No. 35 of 2022

Rect. Vivek 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>01.04.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p><u>O.A. (A) No. 35 of 2022</u></p> <p>Heard Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application (A) has been filed against the Convening Order dated 27.11.2021, Charge Sheet dated 24.11.2021 and the order dated 29.12.2021 by which preliminary objections raised by the applicant regarding maintainability of District Court Martial (DCM) have been dismissed.</p> <p>A preliminary objection has been raised by the Ld. Counsel for the respondents that Original Application (A) is not maintainable for copies of orders and charge-sheet being not filed by the applicant.</p> <p>During the course of hearing, the Ld. Counsel for the applicant submitted that Convening Order dated 27.11.2021 and Charge-Sheet dated 24.11.2021 have been filed by the applicant along with Original Application (A) which are at page Nos. 25 and 26.</p> <p>It is also submitted by the Ld. Counsel for the applicant that during the pendency of this Original Application (A) DCM proceedings have been completed and applicant has been held guilty of the charges and sentenced to undergo two years rigorous imprisonment besides being dismissed from service. It is also submitted that copy of DCM proceedings has been provided to the applicant.</p> <p>In reply, the Ld. Counsel for the respondents, on instruction received, submitted that copy of departmental proceedings has been received to the applicant.</p> <p>In view of the aforesaid submissions, when it is established that DCM proceedings have been completed and applicant has been held guilty in the said proceedings and has been sentenced with dismissal of service and to undergo two years rigorous imprisonment the Original Application (A) has become infructuous.</p> <p>Accordingly, the Original Application (A) is dismissed being infructuous.</p> <p><u>M.A. No. 288 of 2022</u></p> <p>The Original Application (A) in which this Bail Application has been moved has been dismissed being infructuous, therefore, the Bail Application (Misc. Application No. 288 of 2022) is also dismissed.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A No. 28 of 2022

Sgt. Shailesh Kumar (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>01.04.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ms. Upasana Mishra and Ms. Anand Knawar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents two weeks further time is allowed to file counter affidavit.</p> <p>List on 19.05.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 9 of 2021 DY.No. 5030 of 2021 AFT(PB) New Delhi

Sub Ram Prawesh Mani 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>01.04.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>No rejoinder affidavit has been filed.</p> <p>List on 26.05.2022 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case including DPC for the years 2018, 2019 and 2020 for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 250 of 2021

Nishi Kumari W/o Ex. Hav. Raghubansh Chandra Verma 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>01.04.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Dharmesh Sinha and Shri K.K. Seth, Ld. Counsel for the applicant and Shri Jai Narayan Mishra, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that the respondents intend to file recall/modification application with respect to order dated 07.12.2021 by which substitution application has been allowed. It is further submitted that the applicant, who has been allowed to be substituted in O.A. as wife of the deceased soldier, is not legally wedded wife, rather she is the second wife of the deceased soldier. It is further submitted that Smt Pushpa Devi is the first and legally wedded wife of the deceased soldier whose name is recorded in service records.</p> <p>In view of the above, respondents shall file recall/modification application within two weeks.</p> <p style="text-align: center;">List on 26.05.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 388 of 2021

Arvind 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>01.04.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ravi Kumar Verma, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>On request made by learned counsel for the applicant two weeks further time is allowed to file rejoinder affidavit.</p> <p>List on 08.07.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Court No.1

O.A. No. 389 of 2021

Ex. Gnr Kaleshwar Sah
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>01.04.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>On request made by learned counsel for the applicant the case is adjourned for the day.</p> <p>List on 11.07.2022 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 7 of 2018

Atul Kumar 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>01.04.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg. Cdr. Ajit Kakkar (Retd), Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that being not in possession of counter affidavit, he is unable to argue the case today. He has requested to direct the applicant to supply copy of counter affidavit, which is allowed.</p> <p>Applicant shall supply copy of counter affidavit to respondents today.</p> <p>List on 24.05.2022.</p> <p style="display: flex; justify-content: space-around;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>