

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**Ex-A/60/2016**

**(Inre:In re: TA No. 13 of 2014))**

**Venugopal P**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.06.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Present: Shri V.P.Pandey, learned counsel for the applicant and Lt Col Subodh Verma, Departmental representative, for the respondents.</p> <p>This execution application has been filed with respect to non-implementation of the judgment and order dated 24.9.2015, passed in T.A.No. 13 of 2014, by means of which the respondents were directed to consider the applicant for promotion to the next rank in accordance with the rules expeditiously, say, within four months from the date of production of certified copy of the order.</p> <p>The grievance of the applicant is that in pursuance of the aforesaid order of this Court, the respondents have not considered his case for promotion and have deliberately and cautiously disregarded the orders of this Court.</p> <p>The respondents were directed to place before the Court the order, if any, passed in terms of the order of the aforesaid judgment of this Court. Today, an order passed by S.K.Kataria, Brigadier, OIC Records dated 21.01.2016 has been placed before the Court. In Para 6 of the said order, it has been indicated that the case of the applicant was considered, but since certain inquiries are pending against him, his claim for promotion has been deferred. It is a sad part of affair that in spite of the orders of this Court for consideration of the case of the applicant for promotion to the next rank within a specified time, the same has not been considered but has been deliberately and cautiously deferred on the pretext of pendency of certain inquiries. This conduct of the authority concerned, on the face of it, is contemptuous.</p> <p>Let notice be issued to S.K.Kataria, Brigadier, OIC Records to show cause as to why the proceedings of contempt of Court under Section 19 of the Army Act be not drawn against him for his aforesaid conduct. S.K.Kataria, Brigadier, OIC Records shall appear in person before this Court and show cause on 30.6.2016.</p> <p>List this case on <b>30.6.2016</b> before the Vacation Court.</p> <p style="text-align: center;"><b>(Lt Gen A.M. Verma)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 21 of 2016**

**Chandeshwar Prasad**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.06.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri V.K.Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p style="text-align: center;">Objection to the delay condonation application has been filed by the respondents, which is taken on record. Copy of the said objection has been served upon Shri V.K.Pandey, learned counsel for the applicant, who prays for and is granted two weeks' time to file reply.</p> <p style="text-align: center;">List this case for orders on <b>13.7.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;"><b>(Lt Gen A.M. Verma)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**O.A. No. No. 273 of 2014 with M.A. No. 317 of 2015 and M.A.No. 1799 of 2015**

**Rajesh Kumar Rao**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.06.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Yashpal Singh, learned counsel for the applicant and Shri D.K.Pandey, Shri D.K.Pathak and Shri Ajai Pandey, learned counsel for the respondents alongwith Lt Col Subodh Verma, Departmental representative.</p> <p>Heard learned counsel for the parties.</p> <p>It is a case where the applicant, who happens to be an Ex-Army personnel, has knocked the doors of this Court, with the grievance that the Bank, where his account exists i.e. the State Bank of India, City Branch Padrauna, District Kushi Nagar, did not release his pension and he could not withdraw any amount on the ground that his bank account is on hold.</p> <p>This Court had issued notice to the Manager, State Bank of India, City Padrauna, District Kushi Nagar, against which he appeared before the Court on 17.5.2016 and assured that the entire amount shall be paid to the applicant within a specified time. He was granted two weeks' time to complete the processing culminating in payment of the entire amount of pension due till date to the applicant.</p> <p>It seems that in spite of the orders of this Court dated 17.5.2016, the amount of pension of the applicant was not released. However, on the next date fixed i.e. 31.5.2016, the Court was informed that though the amount of Rs. 7 lacs has been credited to his account by the bank but he is unable to withdraw even a single penny from the said account. Even on the said date i.e. 31.5.2016, the Bank Manager Shri A.P.Singh failed to appear before the Court. Shri Mayank Pathak, Advocate, who appeared for the Bank on 31.5.2016, informed the Court that he has no instructions. However, he emphasized that amount of Rs. 7 lacs has already been credited to the account of the applicant in compliance of the order of this Court. This</p>

Court, therefore, directed the case to be put be put up before the Vacation Court on 03.06.2016 i.e. today, and asked the respondent no. 7 to file affidavit showing why the payment has not yet been made to the applicant in spite of repeated orders of the Court.

Today, Shri Yashpal Singh, learned counsel for the applicant, who is present alongwith the applicant, has produced before the Court two cheques, which are alleged to have been given by the applicant in the State Bank of India, City Branch Padrauna, District Kushi Nagar on 30.5.2016 and 1.6.2016, but the amounts under the said cheque were not paid to him on the ground that the account is on hold. To sum up, the case of the applicant is that payment of the amounts of the said cheques has been denied by the Bank on the pretext that his account is on hold.

Let notice be issued to Shri A.P.Singh, Manager, State Bank of India, City Branch Padrauna, District Kushi Nagar to show cause why the proceedings under Section 19 of the Army Act be not initiated against him for not releasing the amount to the applicant as directed and even after passing of such a long time, why the account of the applicant is on hold. He shall also show cause as to why he has not honoured the undertaking given by him to this Tribunal on 17.5.2016. He shall file his reply by 30.6.2016.

The applicant is also directed to move an application before the Bank by Monday, i.e. 6<sup>th</sup> June, 2016 for removal of the hold. On application so moved, the Bank shall remove the hold put on the account of the applicant and ensure that the amounts under the cheques produced by him are paid to him forthwith.

List this case for orders on **30.6.2016** before the Vacation Court.

Copy of this order be provided to the parties on payment of usual charges as per rules today.

**(Lt Gen A.M. Verma)**  
**Member (A)**

**(Justice Abdul Mateen)**  
**Member (J)**

LN/

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**O.A.No. 146 of 2016**

**Vinod Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.06.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Shri Dinesh Chandra Sharma, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt. Col. Subodh Verma, Departmental representative.</p> <p>This case has come up in pursuance of the order of the Court dated 31.5.2016 during vacation. The applicant is aggrieved of the order dated 30.4.2016 Annexure A-1, by means of which the applicant has been ordered to be discharged on 31.5.2016.</p> <p>The applicant seems to have already been discharged on 31.5.2016. There is no urgency in the matter so as to entertain it during vacation.</p> <p>As regards the order of this Court dated 31.5.2016 to the effect that in case no Review Medical Board is necessary before discharging the applicant, appropriate order may be passed on 3.3.2016, we are informed that in pursuance of the said order of the Court, no Review Medical Board is required, as the applicant has already completed the terms of his service.</p> <p>List this case for orders on <b>25.7.2016</b> before the appropriate Court having jurisdiction as per roster of that date</p> <p style="text-align: center;"><b>(Lt Gen A.M. Verma)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>