

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

Case of Court No 1 taken in Court No. 2

T.A. No. 69 of 2016

Birendra 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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member 'A'</u></p> <p style="text-align: center;">Present: Shri Jai Narain Mishra, learned counsel for the petitioner and Shri Virendra Singh, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representatives.</p> <p style="text-align: center;">On call of the case, Shri Jai Narain Mishra, learned counsel for the applicant prays for and is granted two weeks' further time to provide Bench Copy.</p> <p style="text-align: center;">List this case for orders on 22.12.2016.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>rpm/-</p>

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

Case of Court No 1 taken in Court No. 2

M.A. No. 2630 of 2016
(Inre: T.A. No. 96 of 2016)

Maj Gen DVS Rana
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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member 'A'</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Advocate, holding brief of Shri K.C. Ghildiyal, learned counsel for the petitioner and Shri V.P.S. Vats, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representatives.</p> <p style="text-align: center;">As agreed by the parties, list this case for further hearing on 12.12.2016.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>rpm/-</p>

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

Case of Court No 1 taken in Court No. 2

T.A. No. 674 of 2010 with M.A. No. 1702 of 2016

Smt. Kushum Lata
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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member 'A'</u></p> <p style="text-align: center;">Present: Shri Rajv Pandey, learned counsel for the respondent Nos. 1 to 5 and Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondent No. 8 alongwith Major Salen Xaxa, Departmental Representatives.</p> <p style="text-align: center;">Shri Yashpal Singh, learned counsel for the petitioner is not present.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents, list this case for further hearing on 23.12.2016.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>rpm/-</p>

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

Case of Court No 1 taken in Court No. 2

O.A. No. 13 of 2016 with M.A. No. 1152 of 2016 & M.A. No. 1949 of 2016

Akash Singh **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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member 'A'</u></p> <p style="text-align: center;">Present: Shri PK. Shukla, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representatives.</p> <p style="text-align: center;">As prayed list this case for hearing on 14.12.2016.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>rpm/-</p>

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

Case of Court No 1 taken in Court No. 2

O.A. No. 56 of 2016

Pawan Kumar Dwivedi
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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member 'A'</u></p> <p style="text-align: center;">Present: Shri R. Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representatives.</p> <p style="text-align: center;">On call of the case, Dr. Shailendra Sharma Atal, learned counsel for the respondents prays for and is granted three weeks' and no more time to file Counter Affidavit.</p> <p style="text-align: center;">List this case for orders on 10.02.2017.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>rpm/-</p>

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

Case of Court No 1 taken in Court No. 2

O.A. No. 68 of 2016 with M.A. No. 2370 of 2016

Rash Bihari 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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member 'A'</u></p> <p style="text-align: center;">Present: Dr. Ashish Ashthana, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representatives.</p> <p style="text-align: center;">On call of the case, Dr. Ashish Asthana, learned counsel for the applicant prays for and is granted three weeks' further time to file Rejoinder Affidavit.</p> <p style="text-align: center;">List this case for orders on 25.01.2017.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>rpm/-</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

EX-A. 238 of 2016 Inre T.A. No. 1052 of 2010

P.N. Mishra

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12. 2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri J.P. Pandey, Ld Counsel for the petitioner and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell..</p> <p>We have been informed by OIC, Legal Cell as well as Ld. Counsel for the respondents that P.P.O. has been issued in pursuance to Government sanction.</p> <p>Accordingly, it is provided that the Bank concerned shall release the amount in terms of the P.P.O. expeditiously, say, within one month from the date of production of a certified copy of this order.</p> <p>Subject to above, the Execution Application is disposed of finally.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) 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. 2

M.A. No. 2540 of 2016 Inre O.A. No. Nil of 2016

Pushpa Devi Pandey

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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.K. Shukla, Ld. Counsel for the applicant, and Shri Ashish Kumar Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed, six weeks' time is granted to Ld.Counsel for the respondents to file objection on application for condonation of delay. Applicant shall have two weeks' thereafter to file replication.</p> <p>List the case on 10.01.2017 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>anb</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 496 of 2012

Nizamuddin

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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.P. Pandey, Ld. Counsel for the applicant, and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the applicant prays for and is granted two weeks' time to file supplementary rejoinder affidavit.</p> <p>List the case on 23.12.2016 for orders.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) 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. 2

T.A. No. 59 of 2009 with M.A. No. 297 of 2016

Jai Nath Singh

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri S.K. Upadhyay, Ld. Counsel for the petitioner, and Shri R.K.S. Chauhan, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the petitioner prays for and is granted three weeks time to file replication on objection filed by the respondents on application for condonation of delay.</p> <p>List the case on 23.12.2016 for orders.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) 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. 2

O.A. No. 248 of 2015

Smt Malti Devi

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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.K. Pandey, Ld. Counsel for the applicant, and Mrs Deepti Prasad Bajpai, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents is not ready with the case. She prays for further time to prepare the case.</p> <p>As prayed, list the case on 21.12.1016 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) 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. 2

T.A. No. 34 of 2010 with M.A. No. 547 of 2016

Vinay Kumar

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri S.P. Singh, Ld. Counsel for the petitioner. Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents is not present.</p> <p>List the again on 16.12.2016 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>anb</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 1364 of 2010

Mohan Singh

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) A.K. Srivastava, Ld. Counsel for the petitioner, and Shri Namit Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents wishes to bring on record certain letters of Army Headquarter.</p> <p>As prayed, he is granted one week's time to file supplementary affidavit bringing on record relevant documents.</p> <p>Ld. Counsel for the petitioner may file supplementary rejoinder affidavit within next one week.</p> <p>List the case on 16.12.2016 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) 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. 2

O.A. No. 89 of 2012

Arun Kumar Gupta

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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Alok Kishor, Ld. Counsel for the applicant, and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the applicant, list the case again on 06.01.2017 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) 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. 2

O.A. No. 1 of 2014

Chandra Prakash Tiwari

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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) Y.R. Sharma, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Ld. Counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgement is reserved.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) 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. 2

O.A. No. 160 of 2016 with M.A. No. 2608 of 2016

Ram Naresh Ram

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>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.K. Shukla, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p><u>M.A. No. 2608 of 2016</u> Counter affidavit filed by the respondents is taken on record. M.A. No. 2608 of 2016 is disposed of accordingly.</p> <p><u>O.A. No. 160 of 2016</u> Ld. Counsel for the applicant is granted three weeks' time to file rejoinder affidavit.</p> <p>List the case on 13.01.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) 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. 2

O.A. No. 200 of 2016

Ram Murty Tiwari

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>02.12. 2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Rajendra Yadav, Ld Counsel for the applicant and Shri Siddharth Dhaon, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Amendment application preferred by the applicant has been allowed by order dated 29.03.2016 and amendment has been incorporated.</p> <p>A perusal of order dated 25.07.2016 shows that the coordinate Bench observed that no application for condonation of delay has been moved but amendment application has been allowed.</p> <p>Since the amendment application has been allowed by order dated 29.03.2016 and it has not been questioned on either side; hence it attains finality. The coordinate Bench lacks jurisdiction to make comment on the order passed by other coordinate Bench. The only remedy available with the parties is to prefer appeal in case anyone is not satisfied or approach appropriate forum in accordance with law. Since we have already allowed the amendment application it is not open to the coordinate Bench to sit in appeal over our order. As such, observations made by coordinate Bench is uncalled for, moreso, when the parties had not approached appropriate forum against order dated 29.03.2016.</p> <p style="text-align: center;">-2-</p> <p>Since the order dated 29.03.2016 attained finality, we grant two weeks further time to the respondents to file counter affidavit to the amended O.A. Applicant shall</p>

have two weeks thereafter to file rejoinder affidavit.

List the case on 12.01.2017 for hearing.

On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.

Ld. Counsel for the parties may submit/exchange synopsis, and list of events.

Ld. Counsel for the applicant shall provide copy of the amended O.A. to Ld. Counsel for the respondents within twenty four hours.

Copy of the order shall be placed by the Registrar of the Tribunal before the Hon'ble HoD for perusal.

(Air Marshal Anil Chopra)
Member (A)

(Justice D.P. Singh)
Member (J)

anb

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 1019 of 2010 with M.A. No. 707 of 2016

& M.A. No. 2262 of 2016

Sanjio Kumar Prajapati

Petitioner

By Legal Practitioner for the Petitioner

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) Ashok Kumar & Shri Rohit Kumar, Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p><u>M.A. No. 707 of 2016</u> Supplementary counter affidavit filed by the respondents is taken on record. M.A. No. 707 of 2016 is disposed of accordingly.</p> <p><u>M.A. No. 2262 of 2016</u> Rejoinder affidavit to supplementary counter affidavit is taken on record. M.A.No. 2262 of 2016 is disposed of accordingly.</p> <p><u>T.A. No. 1019 of 2010</u> List the case again on 23.12.2016 for hearing. On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>anb</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

DY. No. 3204 of 2016 Inre O.A. No. Nil of 2016

Sub Shankar Singh
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><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents, when the case is listed next.</p> <p>Present: Shri S.K. Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>This application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act 2007 to quash impugned order dated 04.10.2016 by which the applicant has been transferred from Jhansi to J & K. Learned counsel for the applicant submits that the applicant was posted at Jhansi for six years after serving in hard area but present order of transfer has been issued for J & K within seven months of joining at Jhansi.</p> <p>Preliminary objection has been raised by learned counsel for the respondents on maintainability of the application. We have considered the argument advanced by learned counsel for the parties and perused the record.</p> <p>Undisputedly, the applicant was posted at Jhansi and could have continued for 6 years even then he can be shifted to J&K on the exigencies of service. Further, member of the armed forces may be transferred at any place to meet out the exigencies of service. Even if, a member of the Armed Forces is posted giving a tenure of six years he can be posted out before completion of tenure to meet out the exigencies of service.</p> <p>In the present case the applicant has been posted to J&K due to exigencies of service hence the impugned order suffers from no illegality. Under Section 3 (o) of Armed Forces Tribunal Act, 2007, petition is not maintainable being preferred against the order of transfer. While attending the case, we observed that a person who joins the armed forces must be aware that he may be called for duty anywhere in the country to serve the nation. On no ground order of transfer happens to be unsustainable.</p> <p>Original Application lacks merit and is hereby rejected.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt/-</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

M.A. No. 2625 of 2016 Inre O.A. No. Nil of 2016

Hari Shankar Tripathi

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Memo of appearance filed by Mrs Deepti Prasad Bajpai, on behalf of respondents is taken on record. Let her name be shown as learned counsel for the respondents, when the case is listed next.</p> <p>Present : The applicant, Hari Shankar Tripathi, in person and Mrs Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>The applicant a selection grade Colonel has approached this Court on the ground that he has served in the army for 33 years but his pension has been suddenly reduced as applicable to 27 years service. Controversy requires hearing. As per office report the application is delayed by 06 months and 21 days.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file objection on application for condonation of delay in filing Original Application. Replication, if any, may be filed by the applicant within a week, thereafter.</p> <p>List this case on 19.12.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

EX.A. No. 93 of 2016 Inre T.A. No. 59 of 2013

Shyam Babu

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><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Rajat Pratap Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>On call of the case, Learned counsel for the respondents submits that in compliance of judgment and order of this Tribunal, PPO has been issued and order has been complied with.</p> <p>After hearing learned counsel for the parties we dispose of the execution application with the direction to authority concerned to release the pension to the applicant in terms of Govt. Sanction and PPO issued expeditiously say within one month.</p> <p>With the aforesaid directions, the execution application is disposed of finally.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

**EX.A. No. 119 of 2016 with M.A. No. 2163 of 2016, M.A. No. 2278 of 2016
& M.A. No. 2441 of 2016 Inre O.A. No. 269 of 2014**

Manoj 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><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents.</p> <p><u>M.A. No. 2441 of 2016</u></p> <p>Objection against supplementary affidavit filed by learned counsel for the applicant is taken on record.</p> <p>On call of the case, Learned counsel for the respondents submits that in compliance of judgment and order of this Tribunal, Govt. Sanction has been obtained.</p> <p>Let the PPO be issued within two weeks from today and bank to release payment within two weeks, thereafter.</p> <p>List this case on 06.01.2017 for filing compliance report.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

EX.A. No. 144 of 2016 with M.A. No. 2629 of 2016 Inre O.A. No. 285 of 2011

Shri Bhagwan Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Umesh Singh, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 2629 of 2016</u></p> <p>Compliance report to judgment under execution, filed by learned counsel for the respondents is taken on record.</p> <p>On call of the case, Learned counsel for the respondents submits that in compliance of judgment and order of this Tribunal, PPO has been issued on 15.11.2016 and order has been complied with.</p> <p>Let the Bank concerned to release pension to the applicant within one month from today.</p> <p>With the aforesaid directions, the execution application is disposed of finally.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

EX.A. No. 219 of 2016 Inre O.A. No. 210 of 2011

Chhatar Singh

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><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri J.N. Mishra, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents submits that in compliance to judgment and order under execution, Govt. Sanction has been obtained and PPO will be issued within two weeks.</p> <p>List this case on 09.01.2017 to file compliance report.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt/-</p> <p>(Justice D.P. Singh) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken up in Court No. 2.

M.A. No. 1650 of 2016 Inre O.A. No. Nil of 2016

Onkar Mani Tripathi

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Mohd Shariq Khan, learned counsel for the applicant and Shri V.P.S. Vats, learned counsel for the respondents.</p> <p>Objection on application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted two weeks time to file replication for the same.</p> <p>List this case on 11.01.2017 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken up in Court No. 2.

M. A. No. 1651 of 2016 with M.A. No. 2263 of 2016 Inre O.A. No. Nil of 2016
Ganesh Dubey Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Mohd Shariq Khan, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 2263 of 2016</u></p> <p>Objection on application for condonation of delay filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file replication to objection on application for condonation of delay.</p> <p>List this case on 04.01.2017 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

O.A. No. 137 of 2015

Kamlesh Painuli

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><u>02.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri S.K. Singh, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the parties, list this case on 08.12.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2617 of 2016
(Inre: O.A. No. Nil of 2016)

Ganga Sagar
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><u>01.12.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal on behalf of the respondents is taken on record. When the case is next listed, name of Dr. Shailendra Sharma Atal shall be shown as learned counsel for the respondents.</p> <p>Present: Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental representative.</p> <p>Case called out. None appeared for the applicant nor there is any request to pass over or adjourn the case.</p> <p>Accordingly, being a fresh case, the case is adjourned.</p> <p>List this case for orders on 21.03.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 237 of 2016
(Inre: O.A. No. 110 of 2014)

Pratap Singh

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><u>01.12.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental representative.</p> <p><u>Ex.A.No.237 of 2016</u></p> <p>This is an application filed by the applicant for execution of final judgment and order dated 30.5.2016 passed by this Court in O.A.No. 110 of 2014, whereby this Court had directed the respondents to provide pensionary benefits to the applicant and future pension of the applicant be payable henceforth, in accordance with law, within four months from the date of judgment.</p> <p>It seems that since the judgment has not been complied with, as such this Execution Application has been filed, copy of which has been served on the learned Standing Counsel on 29.11.2016.</p> <p>Shri Namit Sharma, learned Standing Counsel prays for and is granted four weeks' time to file reply showing cause as to why the aforesaid judgment has not been complied with.</p> <p>List this case for orders on 24.03.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG/</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1574 of 2016 with M.A. No. 2207 of 2016

Bashisht Kumar Dwivedi

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.12.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Mohd. Shariq Khan, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental representative.</p> <p>Shri Mohd. Shariq Khan, learned counsel for the applicant states that he has received copy of the objection to the application for condonation of delay and prays for time to file replication to the same.</p> <p>As prayed for, three weeks' time is granted to file replication to the objection filed by the respondents.</p> <p>List this case for orders on 27.03.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG/</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 143 of 2016
(Inre: O.A. No. 134 of 2012)

Dhani Ram Vishwakarma & Ors
By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.12.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Parijaat Belaura, learned counsel for the applicant and Shri Kaushik Chattarji, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental representative.</p> <p>Shri Kaushik Chattarji, learned counsel for the respondents, on the basis of the instructions received, submits that after issuance of Government sanction on 16.9.2016, necessary PPO has been issued with respect to the applicants and he will file the compliance report annexing the necessary PPOs of all the five applicants within a week.</p> <p>List this case for orders on 07.12.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG/</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No.1575 of 2016

Awadhesh Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.12.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Mohd. Shariq Khan, learned counsel for the applicant and Ms Amrita Chakraborty, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental representative.</p> <p>Shri Mohd. Shariq Khan, learned counsel for the applicant appears on behalf of the applicant and states that he has received copy of the objection filed by the learned counsel for the respondent to the application for condonation of delay, to which he prays for and is granted two weeks' time to file replication to the same.</p> <p>List this case for orders on 28.03.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG/</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A.263 of 2014

Ishwar 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><u>01.12.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri K.B.Singh, learned counsel for the applicant and Ms Deepti P Bajpai, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental representative.</p> <p>Counter and rejoinder affidavits have been exchanged. The petition has already been admitted. The matter pertains to the grant of service pension from 1st February 2006. The case is ripe for hearing.</p> <p>Accordingly, list this case for hearing on 29.03.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A.179 of 2016 with MA No.2338 of 2016

Anil Kumar Tiwari
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><u>01.12.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Yogesh Kesarwani, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental representative.</p> <p>Case called out. No one appeared for the applicant nor there is any request to pass over or adjourn the case. Even though counter affidavit has been filed by the learned Standing Counsel on 14.10.2016, but rejoinder affidavit has not been filed till now. It is expected that by the next date, rejoinder affidavit shall be filed by the applicant, to which three weeks' time is granted for the purpose.</p> <p>List this case for hearing on 30.03.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG/</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A.No. 54 of 2016

Anant 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><u>01.12.2016</u></p> <p><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Virendra Kumar Singh, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental representative.</p> <p>On call of the case, no one appears for the applicant.</p> <p>This case has come up on transfer from Hon'ble Allahabad High Court and has been registered in this Tribunal as T.A.No. 54 of 2016. Notice was issued to the applicant through registered post vide despatch No. 563 dated 29.06.2016 but the same has not been received back served or unserved. As per office report, thirty days have been elapsed from the date of issue of notice, hence as per AFT (Practice) Rules 2009, service of notice be deemed to be sufficient.</p> <p>However, affording one opportunity more, we adjourn this case to 30.03.2017 awaiting the appearance of the applicant or someone else on his behalf.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</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. 2623 of 2016
In Re: O.A.No. 175 of 2014

Lt Col Harshwardhan Singh
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><u>01.12.2016</u></p> <p><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri R.K.S.Chauhan, learned counsel for the respondents alongwith Col Kamal Singh and Maj Salen Xaxa, Departmental representatives.</p> <p>Heard learned counsel for the parties on this application moved by the applicant, by means of which prayer has been made for early hearing of the matter.</p> <p>Vide judgment and order dated 21.07.2015, this Court had allowed O.A.No. 175 of 2014 filed by the applicant and expunged the impugned Annual Confidential Reports against him for the period commencing 07.12.2004 to 31.05.3005 and 01.06.2005 to 31.05.2006 with all consequential benefits. Having aggrieved against non-compliance of the aforesaid judgment by the respondents, the applicant filed Execution Application No. 218 of 2010, which is now fixed for orders on 11.01.2017. Submission of learned counsel for the applicant is that the respondents are not implementing the aforesaid judgment and order of this Court and in next Board, which is scheduled to be held in December, 2016, the aforesaid Annual Confidential Remarks expunged by this Court will be taken into account while considering the case of the applicant.</p> <p>Shri R.K.S.Chauhan, learned Standing Counsel appearing for the respondents, duly assisted by Col Kamal Singh, Departmental Representative, on the basis of instructions received, states that the</p>

aforesaid Annual Confidential Remarks expunged by this Court will not be taken into account till the judgment of this Court. Col Kamal Singh also gives an undertaking to this effect.

In view of the aforesaid undertaking given by the respondents, we do not find any reason to prepone the hearing of the matter, which is already fixed for orders on 11.01.2017. Accordingly, M.A.No. 2623 of 2016 is hereby rejected.

The case is directed to be listed for orders on the date fixed i.e. **11.01.2017** before the appropriate Court having jurisdiction as per roster of that date.

(Lt Gen Gyan Bhushan)
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. 6 of 2016

Rajendra 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><u>01.12.2016</u></p> <p><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri A.K.Singh Singh, learned counsel for the applicant and Mrs. Deepti P. Bajpai, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental representative.</p> <p>Heard learned counsel for the parties.</p> <p>It has been admitted by the parties that the controversy raised in the present case is squarely covered by the judgment and order dated 14.01.2008, rendered by Hon'ble the Punjab and Haryana High Court in CWP No.15400 of 2006, which was duly affirmed by Hon'ble the Supreme Court vide its judgment dated 21.11.2008 by means of which the SLP filed by the Union of India against the aforesaid judgment was dismissed. The aforesaid judgment was followed by this Tribunal in O.A.No. 310 of 2012 decided on 22.08.2012 and M.A.No. 59 of 2012 decided on 12.10.2012.</p> <p>In view of above, this petition also stands allowed. The applicant shall be entitled to the same reliefs as were granted to the applicants in the aforesaid petitions.</p> <p>(Lt Gen Gyan Bhushan) Member (A) LN/</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A.No. 3 of 2015 with M.A.No. 321 of 2016

Naval Kishore Bajpai
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><u>01.12.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Sudhir Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental representative.</p> <p>Heard learned counsel for the parties on this petition, which was filed by the applicant in the court of Civil Judge (Junior Division), Lucknow for grant of disability pension. On creation of Armed Forces Tribunal, the applicant moved an application for transfer of the case to Armed Forces Tribunal, Regional Bench, Lucknow but the same was rejected by the court below on 28.02.2015. The applicant challenged the said order before Hon'ble the High Court by filing Writ Petition No. 1396 of 2015 (M/S), which was disposed of by the Hon'ble Court vide its judgment and order dated 01.14.2015, quashing the said order of the court below and directing the matter to be transferred to this Tribunal. Accordingly, this case was transferred to this Tribunal and has been registered as T.A.No. 3 of 2015.</p> <p>It comes out that in this case, written statement was filed by the respondents before the court below, but no replication was filed by the applicant. Shri Sudhir Kumar Singh, learned counsel for the applicant prays for two weeks' time to file replication. Time prayed for is granted.</p> <p>List this case for orders on 20.03.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

