

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1**O.A. No. 103 of 2016****Chandra Bhan**

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>O.A. No. 103 of 2016, Chandra Bhan vs. Union of India and others is allowed.</p> <p>For order see our judgment passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>Ukt/SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 120 of 2016

Raj Nayak 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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>O.A. No. 120 of 2016, Raj Nayak Singh vs. Union of India and others is allowed.</p> <p>For order see our judgment passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Ukt/SB</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(B)

M.A. No. 2722 of 2016 Inre O.A. No. Nil of 2016

Smt. Kalawati

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajiv 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 P.K. Shukla, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection to the application for condonation of delay. Replication, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 28.03.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1(B)

EX.A. No. 250 of 2016 Inre O.A. No. 67 of 2014

Mohinder Singh Yadav

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri M.K. Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>The period stipulated of four months granted by the Tribunal has already expired, but the order of the Tribunal has not been complied with.</p> <p>Let respondents show cause as to why the order of the Tribunal has not been complied with and submit the status report.</p> <p>List this case on 10.02.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (B)

T.A. No. 349 of 2010

Ramayan Mishra

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri P.K. Shukla, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>As prayed by the learned counsel for the respondents, two weeks' time is granted to the respondents to file counter affidavit. Rejoinder affidavit may be filed within two weeks, thereafter.</p> <p>List this case on 01.03.2017 for hearing.</p> <p>The parties shall submit chart of events and compilation of the case laws.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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 (B)

M.A. No. 2066 of 2015 with M.A. No. 1257, 2220 & 2723 of 2016

Chandra 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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.P. Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>As prayed by the learned counsel for the applicant, list this case for orders on 08.03.2017 to enable the learned counsel for the applicant to file a better affidavit.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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(B)

M.A. No. 155 of 2016

Prathi @ Prithvi Raj 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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ashok Kumar, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>As prayed by the learned counsel for the applicant, list this case on 20.01.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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(B)

M.A. No. 846 of 2016

Dharam Chand Sharma

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Ms. Mayuri Sajwan, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>As prayed by the learned counsel for the applicant, list this case on 09.03.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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(B)

M.A. No. 967 of 2016

Raghubar Dutt Ray

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant and Shri Amit Sharma, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant. However, in the interest of justice, the case is adjourned.</p> <p>List this case on 14.02.2017 at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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(B)

M.A. No. 1729 of 2016 with M.A. No. 2463 of 2016

Rajbir Singh Sangwan

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri K.K. Mishra, learned counsel for the applicant and Ms. Amrita Chakraborty, learned counsel for the respondents.</p> <p>As prayed by the learned counsel for the applicant, two weeks' time is granted to file replication to the objection filed by the respondents.</p> <p>List this case on 10.03.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>pkg</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1(B)

M.A. No. 1810 of 2016 with M.A. NO. 2176, 2489 & 2709 of 2016

Inre O.A. No. Nil of 2016

Ghanshyam

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.R. Chaubey, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>List this case on 20.02.2017 to enable the learned counsel for the applicant to file supplementary affidavit on application for condonation of delay.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>PKG</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1(B)

M.A. No. 1984 of 2016 with M.A. No. 2116 of 2016 Inre O.A. No. Nil of 2016
Hari Vinod Tulgharia
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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant and Shri R.C. Shukla, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant. However, in the interest of justice, the case is adjourned.</p> <p>List this case for orders on 14.02.2017 at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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(B)

M.A. No. 1989 of 2016 Inre O.A. No. Nil of 2016

Pushkar 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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant and Shri B.P. Singh, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant. However, in the interest of justice, the case is adjourned.</p> <p>List this case for orders on 14.02.2017 at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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(B)

M.A. No. 2004 of 2016 with M.A. No. 2119 of 2016 Inre O.A. No. Nil of 2016
Durga Singh Panchpal 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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the applicant and Dr. Gyan Singh, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant. However, in the interest of justice, the case is adjourned.</p> <p>List this case for orders on 15.02.2017 at Circuit Bench, Nainital.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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(B)

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : The applicant, Hari Shankar Tripathi, in person and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>Heard Col Hari Shankar Tripathi (Retd), aged about 78 years, who has appeared in person and Ms Deepti P Bajpai, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p>On 2nd of December 2016 we had granted two weeks' time to learned counsel for the respondents to file objection with regard to condonation of delay. However, after hearing the applicant and learned counsel for the respondents at length today, we feel that there seems to be no delay.</p> <p>According to the applicant, he has served the Army for 33 years, in pursuance to which he was being paid pension of 33 years of qualifying service. However, with effect from March 2016, his pension has been reduced and he is now getting pension which is payable on completion of 27 years of service. Since the reduction in pension has been made from March 2016, prima facie, there appears to be no delay. It has also been stated that reduction of pension has been done with effect from 2014, hence we feel that there is no delay in preferring the O.A. Accordingly, the delay in filing the O.A. is condoned.</p> <p>Admit.</p> <p><u>M.A. No. 2729 of 2016</u></p> <p>Amendment application filed by the applicant is taken on record.</p> <p>Learned counsel for the respondents may file objection to the amendment application within two weeks from today. Replication to the objection may be filed within two weeks thereafter.</p>

Keeping in view that no notice was served on the applicant before reducing his pension, which was being paid to him from the date of retirement w.e.f. 30th of June 1990, henceforth the respondents shall pay the same pension which was paid to him after retirement, keeping in view of 33 years of qualifying service as applicable from time to time. It shall be open to the respondents to serve a notice and proceed afresh. This shall be subject to final order of the O.A. which is to be passed.

The applicant, who has appeared in person, has made a statement that he had visited the Office of PCDA (P), Allahabad on 11th of April 2016, but he was not provided even with a chair and had not been provided any opportunity of hearing by the officer concerned. As such, the behavior of the Department towards the Army Personnel does not seem to be justified. Moreover, since the matter relates to an Army Personnel, who has served the Country, we direct the PCDA (P), Allahabad to give due respect and regards to the visitors and provide them adequate facilities during their visit for redressal of their grievances or face the consequences in future.

List this case for orders on **17.03.2017**.

Let a copy of this order be given to the learned counsel for the respondents within 24 hours free of cost.

(Lt Gen Gyan Bhushan)
Member (A)

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

PKG

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1(B)

O.A. No. 42 of 2016 with M.A. No. 2721 of 2016

Girish Chandra

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Veer Raghav Chaubey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 2721 of 2016</u></p> <p>Amendment application filed by learned counsel for the applicant is taken on record.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' time to file objection to the amendment application. Replication, if any, may be filed within two weeks, thereafter.</p> <p>List this case for orders on 21.03.2017.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>PKG</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1(B)

O.A. No. 60 of 2016 with M.A. No. 1717, 2042, 2552 & 2419 of 2016

Lt Col Mukesh Baboo

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri G.K. Pandey, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>As prayed, list this case for orders on 28.02.2017.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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(B)

O.A. No. 190 of 2016 with M.A. No. 2710 of 2016

Anand Pathak

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri P.K. Shukla, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 2710 of 2016</u></p> <p>Heard learned counsel for the parties on this amendment application.</p> <p>Learned counsel for the applicant has moved amendment application with regard to change the relief clause in the O.A. Learned counsel for the respondents has no objection.</p> <p>Accordingly, we allow the amendment application. Learned counsel for the applicant to carry out amendment within two weeks.</p> <p>List this case for admission on 03.02.2017.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>PKG</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1(B)

T.A. No. 1061 of 2010 with M.A. No. 1719 of 2016

R.N. Mishra

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Air Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Bhaskar Pratap Dueby, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case for orders on 20.02.2017.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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(B)

T.A. No. 1255 of 2010

Atul Kumar Yadav
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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.P. Pandey, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>PKG</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1(B)

O.A. No. 116 of 2010

Nekasu

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Lal Chandra Sahu, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case for hearing on 21.02.2017.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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(B)

O.A. No. 204 of 2015

Rajendra 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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri P.K. Shukla, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case for hearing on 19.01.2017.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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(B)

O.A. No. 37 of 2016 with M.A. No. 2579 of 2016

Shree Pal

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>19.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Abhishek Singh, learned counsel for the applicant and Maj Salen Xaxa, Departmental Representative for the respondents.</p> <p>On call of the case, Shri Amit Jaiswal, learned counsel submits that Shri Sidharth Dhaon, learned counsel for the respondents is not attending the Court due to some compelling reasons.</p> <p>Accordingly, let counter affidavit be filed within two weeks. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.</p> <p>List this case for hearing on 23.03.2017.</p> <p>(Lt Gen Gyan Bhushan) Member (A) PKG</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. 2716 of 2016 Inre O.A. No. Nil of 2016

Rajesh 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

17.12.2016

Hon'ble Mr. Justice D.P. Singh, Member (J)

Hon'ble Lt Gen Gyan Bhushan, Member (A)

Memo of appearance filed by Dr. Shailendra Sharma Atal on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.

Present : Shri V.A. Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.

Learned counsel for the respondents prays for and is granted four weeks time to file objection on application for condonation of delay. Replication, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.

List this case on **07.03.2017** for orders.

(Lt Gen Gyan Bhushan)
Member (A)

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

ukt

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1

M.A. No. 2698 of 2016 Inre O.A. No. Nil of 2016

Prem Prakash Chaturvedi

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>16.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Virendra Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri Virendra Singh, learned 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. Replication, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 20.02.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1

EX.A. No. 235 of 2016 Inre T.A. No. 986 of 2010

Rajveer 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>16.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, 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 respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri Bachchan Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents submits that compliance of judgment and order under execution is under process. He prays for and is granted four weeks' time to seek instructions from the authority concerned to show cause as to why Tribunal's judgment and order dated 11.03.2016 passed in T.A. No. 986 of 2010 has not been complied with and file compliance report.</p> <p>List this case on 24.01.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1

EX.A. No. 247 of 2016 Inre O.A. No. 302 of 2013

Parmatma 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>16.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri V.A. Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>Learned counsel for the respondents submits that compliance of judgment and order under execution is under process. He prays for and is granted four weeks' time to seek instructions from the authority concerned to show cause as to why Tribunal's judgment and order dated 10.12.2015 passed in O.A. No. 302 of 2013 has not been complied with and file compliance report.</p> <p>List this case on 24.01.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1

EX.A. No. 248 of 2016 Inre O.A. No. 80 of 2014

Gopal Krishan

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>16.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Chet Narayan Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicant and Dr. Chet Narayan Singh, learned counsel for the respondents.</p> <p>Learned counsel for the respondents submits that in compliance of judgment and order under execution Govt. sanction has been accorded and PPO will be issued within four weeks. He prays for and is granted four weeks' time to file compliance report.</p> <p>It is clarified that in case judgment under execution is not complied with by the date fixed, heavy cost will be imposed on the respondents.</p> <p>List this case on 24.01.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1

M.A. No. 2688 of 2016 Inre T.A. No. 1469 of 2010

Ram Harsh

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>16.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Bhanu Pratap Singh, learned counsel for the applicant and none for the respondent.</p> <p><u>M.A.No. 2688 of 2016</u></p> <p>This is an application moved by the respondents for correction of order dated 21.04.2016 passed by this Tribunal.</p> <p>Heard.</p> <p>Application for correction of order is allowed. Order dated 21.04.2016 is corrected and initialled by one of us (Lt Gen Gyan Bhushan, Member (A) as under:</p> <ol style="list-style-type: none">1. In Para 3, line 12th of the order, date 05.08.1971 is corrected as 06.08.1971.2. In Para 12, line 1 of the order, date 05.08.1971 is corrected as 06.08.1971. <p>M.A. No 2688 of 2016 is disposed of accordingly.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1

M.A. No. 2703 of 2016 with M.A. No. 2704 of 2016 Inre O.A. No. 184 of 2015

Devendra 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>16.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri A.K. Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p><u>M.A. No. 2703 of 2016</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 27.05.2016, passed by this Court in O.A. No. 184 of 2015.</p> <p>As per stamp reporter's report, there is delay of 05 months and 15 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. Admittedly the application for leave to appeal is barred by limitation. The Hon'ble Supreme Court in the case of Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC has held that the law of limitation undoubtedly binds everybody including the Government. 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 grant of leave to appeal are general in nature and do not appear to be germane.</p> <p>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.</p>

M.A. No 2704 of 2016

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 applicant 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.

(Lt Gen Gyan Bhushan)
Member (A)

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

ukt

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1

Dy. No. 2069 of 2016 with M.A. No. 2203 of 2016 & M.A. No. 2602 of 2016

Inre O.A. No. Nil of 2016

Raji Hasan

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>16.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Bachchan Singh, learned counsel for the applicant and Virendra Singh, learned counsel for the respondents.</p> <p>This is an application for modification of order dated 17.09.2015 passed in T.A. No 838 of 2010 by this Tribunal.</p> <p>Heard learned counsel for the applicant on application for modification of order.</p> <p>Application for modification of order is not maintainable in terms of the decision of Hon'ble The Apex Court in W.P No 490 of 2003, Brahm Dutt vs Union of India decided on 20.01.2005.</p> <p>Accordingly, application for modification of order is rejected.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1

M.A. No. 944 of 2013 with M.A. No. 698 of 2016

Mohd Akhtar

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>16.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.P. Pandey, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p><u>M.A. No. 2717 of 2016</u></p> <p>Objection on application for maintainability of the case filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted four weeks time to file replication for the same.</p> <p>List this case on 21.02.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p>ukt</p>