

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

M.A. No. 406 of 2017 In re T.A. No. 208 of 2010

Gopal Pandey

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>03.03.2017</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 D.C. Tiwari, learned counsel for the petitioner, and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No 406 of 2017</u></p> <p>It is an Application for recall of the order whereby the T.A was dismissed for default.</p> <p>We have heard learned counsel for the parties.</p> <p>The explanation offered by learned counsel for the Petitioner for his absence on the date appears to be cogent and convincing.</p> <p>In view of the above, the Application is allowed and the order 28.02.2017 is recalled of course, subject to payment of cost, which we quantify at Rs 500/- which shall be deposited within a week. On the cost being deposited the same shall be remitted to the accounts of Bar Association Armed Forces Tribunal Regional Bench Lucknow through cheque for being utilised for upgradation of its library etc.</p> <p style="text-align: center;"><u>T.A. No. 208 of 2010.</u></p> <p>In view of the above, the T.A shall stand restored to its original number.</p> <p>List this case for hearing on 28.03.2017.</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>MH</p> |

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

EX-A. No. 185 of 2016 In re T.A. No. 1481 of 2010

Rustam Singh

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>03.03.2017</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 Shani Pratap Singh, learned counsel for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>. It is submitted across the bar by learned counsel for the Respondents that in the instant case PPO has been issued in terms of the order of the Tribunal. A copy of the PPO has also been supplied to learned counsel for the Applicant in the Court.</p> <p>In view of the above, the Application is rendered infructuous and is accordingly rejected as infructuous.</p> <p>Needless to say, the Bank concerned shall process the matter in terms of the PPO and shall release the funds in favour of the Applicant within a month from the date a copy of the PPO is furnished at its end.</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>MH</p> |

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

O.A. No. 295 of 2015 with M.A. No. 2320 of 2015

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|---|-------------|
| Praveen 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>03.03.2017</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, holding brief of Shri S.C. Yadav, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>In the instant case, a preliminary objection has been raised that the Applicant is a native of Bihar and thus, option is available to him either to invoke the jurisdiction of AFT at Kolkata or AFT at Jabalpur.</p> <p>On being asked, Shri P.K.Shukla, holding brief of Shri S.C.Yadav, learned counsel for the Applicant opted to transfer the case to AFT Jabalpur.</p> <p>In view of the above, the record of the aforesaid OA is ordered to be transferred to the Armed Forces Tribunal at Jabalpur.</p> <p>The Applicant is directed to appear before the Armed Forces Tribunal at Jabalpur on 03.04.2017 for orders.</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 style="text-align: left; margin-left: 10px;">MH</p> |

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

T.A. No. 1364 of 2010

Mohan Singh

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>03.03.2017</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, learned counsel for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List this case on 21.03.2017 for further hearing in order to enable learned counsel for the respondents to submit written arguments.</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>MH</p> |

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

O.A. No. 239 of 2012

Ram Roop 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>03.03.2017</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 Indu Prakash Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List this case on 21.03.2017 for further hearing alongwith T.A. No 970 of 2010 as agreed by learned counsel for the parties.</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>MH</p> |

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

M.A. No. 284 of 2017 In re T.A. No. 93 of 2012

Sanjay Kumar

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>03.03.2017</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 Yash Pal Singh , learned counsel for the petitioner and Shri Amit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed, learned counsel for the Applicant is permitted to deposit the cost within three days.</p> <p>List this case for hearing on 23.03.2017.</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>MH</p> |

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

M.A. No. 405 of 2017 In re O.A. No. 470 of 2012

Naseebul Hasan Syed 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>03.03.2017</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 : Maj R.D Singh (Retd), learned counsel for the applicant, and Shri Ashish Saxena, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Put up this case today itself, i.e. 03.03.2017 alongwith cases listed in 'List-B'.</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><small>anb</small></p> |

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

O.A. No. 356 of 2012

Ranjodh 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>03.03.2017</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 Lalit Kumar, learned counsel for the applicant, and Shri Amit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Ld. Counsel for the parties at length.</p> <p>List on 31.03.2017 for further hearing, as prayed by Shri Lalit Kumar, Ld. Counsel for the applicant.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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>LN</p> |

Form No. 4
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

O.A. No. 224 of 2010

Girish Chandra 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>03.03.2017</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 Ashish Kumar Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List this case for hearing on 27.03.2017 to enable Ld. Counsel for the parties to prepare the case.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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>anb</p> |

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

O.A. No. 385 of 2011

Sharma Naresh Kumar 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>03.03.2017</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 D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>On account of illness of Ld. Counsel for the applicant, he is not attending Court today.</p> <p>As prayed, list the case on 31.03.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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><small>anb</small></p> |

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

O.A. No. 299 of 2013

Surendra Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>03.03.2017</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 Rajat Pratap Singh, learned counsel for the applicant. Maj Soma John, OIC Legal Cell for the respondents</p> <p style="text-align: center;">List the case for hearing on 28.03.2017 to enable Ld. Counsel for the applicant to submit synopsis, written arguments and compilation of case law.</p> <p style="text-align: center;">On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</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>anb</p> |

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

O.A. No. 109 of 2014

Mukesh Kumar 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>03.03.2017</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 R. Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents prays for and is granted one week's further time to file supplementary counter affidavit. Supplementary rejoinder affidavit may be filed by the applicant within two weeks thereafter.</p> <p>List the case on 11.04.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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>anb</p> |

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

O.A. No. 245 of 2014 alongwith M.A. No. 411 of 2017

Bhag Bahadur Tamang 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>03.03.2017</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 Lalit Kumar, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p><u>M.A. No. 411 of 2017</u> Counter reply filed by the respondents is taken on record. MA. No. 411 of 2017 is disposed of.</p> <p><u>O.A. No. 245 of 2014</u> Applicant may file reply within three weeks. List the case on 30.03.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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>anb</p> |

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

T.A. No. 1273 of 2010 with M.A. No. 2628 of 2016

Santsoh Kumar 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>03.03.2017</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 G.S. Sikarwar, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>It is informed that on account of illness of his father, Ld. Counsel for the petitioner is not attending Court today.</p> <p>As prayed on his behalf, list the case on 27.03.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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>anb</p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)
T.A. No. 1283 of 2010

Inderjeet 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>03.03.2017</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 A.K. Singh, learned counsel for the petitioner and Shri Yogesh Kesarwani, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Petitioner has placed on record copy of Part-II order dated 08.11.2006 along with supplementary rejoinder affidavit filed in July 2009.</p> <p>Respondents shall receive instructions and file response with regard to Part-II order within a week.</p> <p>List the case on 29.03.2017 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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>anb</p> |

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

EX-A. No. 38 of 2017 In re T.A. No. 1308 of 2010

Ram Kripal Pal

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>02.03.2017</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 Rohit Kumar, 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>Belated filing of review does not create a ground to keep the decision pending of this Tribunal. Let order be complied with by the respondents within four weeks and submit status report.</p> <p>List the case on 31.03.2017 for orders.</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>Jpt</p> |

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

M.A. No. 393 of 2017 with M.A. No. 394 of 2017
In re O.A. No. 21 of 2013

Union of India & Others
By Legal Practitioner for the Applicant

Applicants

Versus

Pramod Kumar Singh
By Legal Practitioner for Respondent

Respondent

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>02.03.2017</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 Asheesh Agnihotri, Ld. Counsel for the applicants, assisted by Maj Soma John, OIC Legal Cell and Col (Retd) R. N. Singh, Ld. Counsel for the respondent.</p> <p style="text-align: center;"><u>M.A. No. 393 of 2017</u></p> <p>This is an application for condonation of delay under Section 5 of the Limitation Act in filing application for leave to appeal. The Application has been preferred after lapse of statutory period. It is well settled law that the Tribunal lacks jurisdiction to condone the delay in the matter.</p> <p>Accordingly, the application for condonation of delay in filing application for leave to appeal is not maintainable and is rejected.</p> <p style="text-align: center;"><u>M.A. No. 394 of 2017</u></p> <p>This is an application for grant of leave to appeal filed under Section 31 of Armed Forces Tribunal Act.</p> <p>Since the application for condonation of delay has already been rejected, in consequence thereof, the application for leave to appeal is also rejected.</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 style="text-align: left; margin-left: 10px;">Jpt</p> |

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

M.A. No. 395 of 2017 with M.A. No. 396 of 2017
In re T.A. No. 158 of 2010

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|---|------------|
| Union of India & Others By Legal Practitioner for the Applicant | Applicants |
| Versus | |
| Prem Singh By Legal Practitioner for Respondents | Respondent |

| Notes of the Registry | Orders of the Tribunal | | |
|---|---|---|--|
| | <p><u>02.03.2017</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 Amit Sharma, Ld. Counsel for the applicants, assisted by Maj Soma John, OIC Legal Cell and Shri K.K.S. Bisht, Ld. Counsel for the respondent.</p> <p style="text-align: center;"><u>M.A. No. 395 of 2017</u></p> <p>This is an application for condonation of delay under Section 5 of the Limitation Act in filing application for leave to appeal. The Application has been preferred after lapse of statutory period. It is well settled law that the Tribunal lacks jurisdiction to condone the delay in the matter.</p> <p>Accordingly, the application for condonation of delay in filing application for leave to appeal is not maintainable and is rejected.</p> <p style="text-align: center;"><u>M.A. No. 396 of 2017</u></p> <p>This is an application for grant of leave to appeal filed under Section 31 of Armed Forces Tribunal Act.</p> <p>Since the application for condonation of delay has already been rejected, in consequence thereof, the application for leave to appeal is also rejected.</p> <table style="width: 100%; border: none; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal Anil Chopra) Member (A)</td><td style="width: 50%; text-align: center;">(Justice D.P. Singh) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 10px;">Jpt</p> | (Air Marshal Anil Chopra) Member (A) | (Justice D.P. Singh) Member (J) |
| (Air Marshal Anil Chopra) Member (A) | (Justice D.P. Singh) Member (J) | | |

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

O.A. No. 241 of 2015

Arjun Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>02.03.2017</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, Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the applicant, a week's time is granted to file rejoinder affidavit.</p> <p>List the case on 03.05.2017 for orders.</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>Jpt</p> |

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

M.A. No. 2261 of 2016 In re O.A. No. 130 of 2010
& M.A. No. 402 of 2017

Parmatma Nand 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>02.03.2017</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.A. Singh, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 402 of 2017</u></p> <p>Supplementary counter affidavit filed by Ld. Counsel for the respondents is taken on record. Applicant may file supplementary rejoinder affidavit within two weeks.</p> <p>M.A. No. 402 of 2017 is disposed of.</p> <p>List the case on 06.04.2017 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any, by the date fixed.</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 style="text-align: left;">Jpt</p> |

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

O.A. No. 89 of 2012

Arun Kumar Gupta

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>02.03.2017</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, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>During the course of hearing, it surfaced that the substance of controversy pertains to whether the provisions contained in Army Rule 26 were complied with or not? On record, there does not appear to be any specific pleading that provisions of Army Rule 26 were complied with or not. Learned counsel for the Applicant explained that SCM proceedings were not with the Applicant and the documents were supplied to him at a later stage on the specific direction of the Tribunal.</p> <p>Let counter affidavit be filed within two weeks to place on record the specific pleading how and in what manner Rule 26 of the Army Rule has been complied with. Rejoinder affidavit, if any may be filed within two weeks next thereafter.</p> <p>List this case on 12.04.2017 for further hearing.</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>MH</p> |

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

O.A. No. 496 of 2012

Nizamuddin

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>02.03.2017</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, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The main argument advanced across the bar that the Applicant has been discharged from service despite there being no recommendations as such from the Release Medical Board.</p> <p>Let original record be produced for perusal of the Bench on the next date of listing.</p> <p>List this case for further hearing on 29.03.2017.</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>MH</p> |

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

T.A. No. 364 of 2010

Hari Babu Nishad

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>02.03.2017</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 petitioner and Shri D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List this case on 30.03.2017 for further hearing in order to enable learned counsel for the parties to prepare the case on certain points which surfaced during hearing today.</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>MH</p> |

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

O.A. No. 102 of 2012 with M.A. No.2591 of 2016

Jeetendra Kumar

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>02.03.2017</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, learned counsel for the applicant and Shri R.K.S. Chauhan, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>MH</p> |

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

M.A. No. 1906 of 2015 with M.A. No. 35 of 2017
In re O.A. No. Nil of 2015

Neeraj Bhatt

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>02.03.2017</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 R. Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The case was taken up in the revised list.</p> <p>As prayed by Shri R.Chandra, learned counsel for the applicant, list this case for orders on 22.03.2017.</p> <p>.</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>LN/</p> |

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

M.A. No. 1459 of 2016

Md Arshad

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>02.03.2017</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 K.K. Mishra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The case was taken up in the revised list.</p> <p>Reply filed today by the applicant's counsel to the objection filed by the respondents against the application for condonation of delay is taken on record.</p> <p>The impugned order is of January, 2016. The OA has been preferred on 06.07.2016. Cause shown is sufficient.</p> <p>Accordingly, the application is allowed and the delay in filing the OA is condoned. Let the OA be registered.</p> <p>The respondents may file counter affidavit within six weeks. Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case for orders on 08.05.2017.</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>LN/</p> |

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

O.A. No. 188 of 2016

Durga 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>02.03.2017</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 M.K. Singh, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The case was taken up in the revised list.</p> <p>Rejoinder affidavit filed by the applicant's counsel is taken on record.</p> <p>List this case for hearing on 08.05.2017.</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>LN/</p> |

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

T.A. No. 528 of 2010

Laxmi Prasad

By Legal Practitioner for the Petitioner

Petitioner

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|--------------------------------------|--|
| | <p><u>02.03.2017</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 Vikash Kumar Agrawal, learned counsel for the petitioner and Shri Md. Zafar Khan, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">The case was taken up in the revised list.</p> <p style="text-align: center;">Two weeks' further time, as prayed by the respondents' counsel, is granted to file objection to the application for amendment. The applicant shall thereafter have one week's time to file replication.</p> <p style="text-align: center;">List this case for orders on 31.03.2017.</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>LN/</p> |

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

O.A. No. 356 of 2012

Ranjodh 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>02.03.2017</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 Lalit Kumar, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The case was taken up in the revised list.</p> <p>Put up tomorrow i.e. 03.03.2017 for further hearing, to enable Shri Amit Sharma, learned counsel for the respondents to look into the synopsis filed by the applicant.</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> |

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

O.A. No. 310 of 2013

Piyooash Kumar Singh Parmar 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>02.03.2017</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 Shard Kumar Srivastava, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>Heard learned counsel for the parties at some length.</p> <p>The respondents shall find out as to whether the applicant has withdrawn an amount of rupees two lacs from his Provident Fund in the year 2008.</p> <p>List this case on 04.05.2017 for further hearing.</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>LN/</p> |

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

O.A. No. 317 of 2015

Ataullah Khan

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>02.03.2017</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 Yash Pal Singh, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents, assisted by Lt Col Y. Suresh Reddy, Col Kamal Singh and Maj Soma John, OIC Legal Cell.</p> <p>Heard learned counsel for the parties at some length.</p> <p>List this case on 22.03.2017 for further hearing.</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>LN/</p> |

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

O.A. No. 17 of 2017 with M.A. No. 269 of 2017

Pravesh Kumar 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>02.03.2017</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 : Dr. Ashish Asthana, learned counsel for the applicant and Shri R.K.S. Chauhan, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>The applicant may file rejoinder affidavit within three weeks.</p> <p>List this case for hearing on 30.03.2017.</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>LN/</p> |

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

T.A. No. 181 of 2010 with M.A. No. 323 of 2017

Manoj 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>02.03.2017</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.S.L Srivastava, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p><u>M.A.No. 323 of 2017</u></p> <p>After hearing learned counsel for the parties, we allow this application for amendment and permit the petitioner to carry out the amendment within three days.</p> <p>List this case for hearing on 30.03.2017.</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>LN/</p> |

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

T.A. No. 38 of 2012 with M.A. No. 2168 of 2016

Subhash Chandra 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>02.03.2017</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 Yashpal Singh, learned counsel for the petitioner and Shri Md. Zafar Khan, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Shri Yashpal Singh, learned counsel for the petitioner, list this case for hearing on 10.04.2017.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>LN/</p> |

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

T.A. No. 29 of 2014

Lal Babu 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>02.03.2017</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 Rajan Mishra, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>The case was taken up in the revised list.</p> <p>As prayed by petitioner's counsel, list this case for further hearing on 07.03.2017.</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>LN/</p> |

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

T.A. No. 16 of 2015

Kamal Singh Bhadoria

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>02.03.2017</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 K.K.S. Bisht, learned counsel for the petitioner and Shri Bhanu Pratap Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Shri K.K.S.Bisht, learned counsel for the petitioner, two weeks' further time is allowed for filing rejoinder affidavit.</p> <p>List this case for hearing on 13.04.2017.</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>LN/</p> |

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

T.A. No. 1036 of 2010

Jasawant Singh
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>01.03.2017</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. Mishra, Ld. Counsel for the petitioner and Dr. Chet Narain Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Shri S.K. Mishra, Ld. Counsel for the petitioner and Dr. Chet Narain Singh, Ld. Counsel for the respondents assisted by Maj Soma John, OIC Legal Cell at length.</p> <p>Order is reserved.</p> <p>Original records shall be submitted by the respondents in sealed cover by tomorrow.</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>jpt</p> |

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

T.A. No. 36 of 2013

Man Singh
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>01.03.2017</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 Rakesh Johri and Lt Col (Retd) A.K. Saxena, Ld. Counsel for the petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the respondents, two weeks' further time is allowed to file counter affidavit in terms of order dated 01.02.2017. Ld. Counsel for the petitioner may file rejoinder affidavit within two weeks thereafter.</p> <p>List the case on 05.04.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any, by the date fixed.</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>jpt</p> |

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

M.A. No. 339 of 2016 with M.A. No. 1222 of 2016
Inre O.A. No. Nil of 2016

Rati Bhan Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>01.03.2017</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 V.P. Pandey, Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Ld. Counsel for the applicant, two weeks' further time is allowed to file reply to the objection on application for condonation of delay.</p> <p style="text-align: center;">As prayed, list the case on 25.04.2017 for orders.</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 style="text-align: left; font-size: small;">jpt</p> |

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

T.A. No. 37 of 2010

Ghanshyam
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>01.03.2017</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 R. Chandra holding brief for Shri S.P. Singh, Ld. Counsel for the petitioner and Shri V.P.S. Vats, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents has filed written note and copy of the earlier judgments of the Tribunal pointing out that the controversy in question is covered by the aforesaid judgments of the Tribunal and the T.A. is liable to be dismissed.</p> <p>On the other hand Ld. Counsel Shri R. Chandra holding brief for Shri S.P. Singh, Ld. Counsel for the petitioner submits that Shri S.P. Singh is not attending the Court today and prayed for adjournment.</p> <p>As prayed list the case on 03.03.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any, by the date fixed.</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>jpt</p> |

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

M.A. No. 370 of 2017 In re O.A. No. Nil of 2017

Pankaj Kumar Sahu Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>01.03.2017</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 today in court by Shri Virendra Singh as counsel for the respondents is taken on record. Let his name be shown representing respondents when the case is next listed.</p> <p>Present: None for the applicant and Shri Virendra Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>It is informed across the bar that learned counsel for the Applicant has not attended the Court today.</p> <p>According to the office report, there is delay of more than one year in filing the present O.A.</p> <p>Since, it is a case for new admission, learned counsel for the respondents is granted six weeks' time to file objection to the Application for condonation of delay. Replication if any may be filed within two weeks next thereafter. Let the counsel for the Applicant be informed accordingly.</p> <p>List this case on 03.05.2017 for admission.</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>MH</p> |

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

EX-A. No. 37 of 2017 In re O.A. No. 196 of 2015

Smt. Sangita 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>01.03.2017</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 : Col (Retd) Ashok Kumar & Shri Rohit Kumar and Dr. S.N. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">It is a case seeking execution of the order of the Tribunal dated 19.09.2016 which it is stated has not yet been complied with despite lapse of stipulated time.</p> <p style="text-align: center;">On the other hand, learned counsel for the respondents tried to explain submitting that since the name of the Applicant was mentioned in the order as Smt. Sangita Devi instead of Smt. Sangeeta Devi as mentioned in the original record, there was difficulty in complying with the order.</p> <p style="text-align: center;">In our opinion, it is a mere technical objection inasmuch as difference in the spelling of the name of Smt. Sangita should not have operated as an obstacle in the way of complying with the order of the Tribunal. Let the order be complied with within a month by granting benefits flowing from the order of the Tribunal.</p> <p style="text-align: center;">List this case on 19.04.2017 for orders.</p> <p style="text-align: center;">In the meanwhile, learned counsel for the Applicant may move appropriate application seeking correction of the name of the Applicant in terms of what is recorded in the original record maintained by the office concerned in the Army.</p> <p style="text-align: center;">Let a copy of the order be supplied to OIC Legal Cell</p> |

forthwith for onward transmission to the authorities concerned seeking compliance of the order of the Tribunal.

(Air Marshal Anil Chopra)
Member (A)

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

MH

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

M.A. No. 376 of 2017 In re O.A. No. 189 of 2010

Shiv Kumar Joshi

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>01.03.2017</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) Rakesh Johri, learned counsel for the applicant and Shri Kaushik Chattarji, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The Application in hand is for recall of the order of the Tribunal dated 30.01.2017 whereby the Application was dismissed for default.</p> <p>We have heard learned counsel for the parties.</p> <p>The learned counsel for the Applicant has explained his absence on the date and we are convinced that the absence is fully explained.</p> <p>In view of the above, the order dated 30.01.2017 is accordingly recalled however, subject to payment of cost which we quantify at Rs 500/-. The cost shall be deposited with the Registry of the Court within a week. The cost on being deposited shall be remitted to the Local Bar Association Armed Forces Tribunal, Regional Bench, Lucknow for being utilised for upgradation of its Library etc.</p> <p>List this case on 31.03.2017 for orders.</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>MH</p> |

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

EX-A. NO. 18 of 2017 In re O.A. No. 245 of 2015

Ajai Kumar 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>01.03.2017</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 A.K. Singh, learned counsel for the applicant and Shri G.S. Sikarwar, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>. It is submitted that order of the Tribunal has not yet been complied with whereby the Applicant was permitted to join duties. OIC Legal Cell could not explain why the order has not yet been complied with except saying that the matter is in active process.</p> <p>As prayed, four weeks' further time is allowed to submit status report with regard to compliance of the order of the Tribunal.</p> <p>In the meanwhile, Applicant is again permitted to report for duty on any given date in terms of the Tribunal order.</p> <p>Let a copy of this order be supplied to OIC Legal Cell forthwith for onward transmission to the authorities concerned for strict compliance.</p> <p>List this case on 29.03.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>MH</p> |

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

M.A. No. 1284 of 2016 with M.A. No. 2235 of 2016
& M.A. No. 87 of 2017

Lal Chand 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>01.03.2017</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 R. Chandra, learned counsel for the applicant and Shri R.K.S. Chauhan, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>It is stated that if delay is counted from the date of dismissal, it is more than 11 years.</p> <p>We have heard learned counsel for the Applicant and also learned counsel for the respondents.</p> <p>In the course of arguments, the learned counsel for the Applicant could not give convincing explanation for the delay. However, he seeks a day's time to produce case law on the point.</p> <p>As prayed, the case is ordered to be listed on 02.03.2017 for further hearing on the Application for condonation of delay.</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>MH</p> |

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

O.A. No. 211 of 2010

Shyam Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>01.03.2017</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 Anand Shekhar Asthana, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by learned counsel for the Applicant, the case is ordered to be listed for further hearing on 02.03.2017.</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>MH</p> |

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

T.A. No. 34 of 2010 with M.A. No. 247 of 2017

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>01.03.2017</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, learned counsel for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>In compliance of the order of the Tribunal, notice was issued for service on respondent no 6 through Chief Judicial Magistrate Lucknow. The reply to notice has been received from the CJM Lucknow with endorsement that since address given in the notice is through APO 56, it is beyond his jurisdiction to serve the notice on the respondent no 6.</p> <p>In the order dated 06.02.2017, the notice was also directed to be served through ADG MP Directorate attended with direction that OIC Legal Cell shall also communicate this order to ADG MP Directorate. The OIC Legal Cell does not seem to have taken any concrete action for effecting service on respondent no 6 in terms of the order of the Tribunal.</p> <p>Let notice be again issued to the respondent no 6 to be served through ADG PS. In case notice does not appear to have been served on the respondent no 6 by the next date fixed, the ADG PS shall appear in person to explain why appropriate action be not taken against him for failure to comply with the order of the Tribunal.</p> <p style="text-align: center;">List this case on 03.04.2017 for further orders/hearing.</p> |

Let a copy of this order be supplied to OIC Legal Cell for necessary action in the matter.

(Air Marshal Anil Chopra)
Member (A)

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

MH

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

T.A. No. 364 of 2010

Hari Babu Nishad 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>01.03.2017</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 Shailendra Kumar Singh, learned counsel for the petitioner and Shri D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by learned counsel for the Petitioner, the case is ordered to be listed for further hearing on 02.03.2017.</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>MH</p> |

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

T.A. No. 947 of 2010

Vinod Kumar

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>01.03.2017</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 : Col (Retd) Y.R. Sharma, learned counsel for the petitioner and Dr. Chet Narain Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Regard being had to the request made by learned counsel for the Applicant, the case is ordered to be listed on 21.03.2017 for further hearing.</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>MH</p> |

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

T.A. No. 970 of 2010 (with Decided T.A. No. 209 of 2009) alongwith
O.A. No. 239 of 2012

Rajput Chandrapal 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>01.03.2017</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 Rakesh Johri, learned counsel for the petitioner and Shri D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Despite repeated orders, original record including suicide note has not been produced by OIC Legal Cell. For want of original record, the case could not be heard and has to be adjourned today.</p> <p>List this case on 21.03.2017 for further hearing on which date, it is again directed, the OIC Legal Cell should produce the original record including suicide note for perusal of the Bench.</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>MH</p> |

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

M.A. NO. 2112 of 2015 with M.A. No. 2196 of 2016
In re O.A. No. Nil of 2015

Shamsher Chand Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>01.03.2017</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, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No 2112 of 2015 with M.A.No 2196 of 2016</u></p> <p>According to the office note there is delay of over four years.</p> <p>We have heard learned counsel for the parties on the Application for condonation of delay.</p> <p>The facts of the case are that the Applicant went on leave on 17.12.2007 and reported for duty on 13.11.2009 after efflux of almost two years. In the meanwhile he was declared deserter and was dismissed from service by order dated 07.10.2010. Thereafter the Applicant preferred a petition on 01.12.2011 which was rejected on 04.04.2012. From 04.04.2012, there is no convincing explanation as the present Application was filed on 02.11.2015. By this reckoning, the petition is barred by limitation by almost five years.</p> <p>The solitary argument advanced across the bar is that after rejection of his petition on 04.04.2012 by the authority, his wife preferred a mercy petition before authority concerned which has elicited no response as yet. The counsel for the respondent has denied to have any knowledge of <i>mercy petition having been</i></p> |

filed. Besides, he also contended that the mercy petition has no force as it is not a statutory petition. By this reckoning, there is no convincing explanation of delay between May 2012 to Nov 2015. Be that as it may, cause shown does not seem to be sufficient.

In connection with the above, learned counsel for the respondents copiously relied upon the decision of **Balwant Singh vs Jagdish Singh and others (2010) 8 SCC 685** in which the crux of what has been held is as under:

“Even if the term sufficient cause has to receive liberal construction, it must squarely fall within the concept of reasonable time and proper conduct of the party concerned. The purpose of introducing liberal construction normally is to introduce the concept of reasonableness as it is understood in its general connotation. The law of limitation is a substantive law and has definite consequences on the right and obligation of a party to arise. These principles should be adhered to and applied appropriately depending on the facts and circumstances of a given case. Once a valuable right has accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Justice must be done to both parties equally. Then alone the ends of justice can be achieved. If a party has been thoroughly negligent in implementing its rights and remedies, it will be equally unfair to deprive the other party of a valuable right that has accrued to it in law as a result of its acting vigilantly.” (See para 25 and 26).

In paras 27 and 28, the crux of what has been observed is as under:

“The explanation has to be reasonable or plausible, so as to persuade the Court to believe that the explanation rendered is not only true, but is worthy of exercising judicial discretion in favour of the Applicant. If it does not specify

any of the enunciated ingredients of judicial pronouncements, then the application should be dismissed. On the other hand, if the application is bona fide and based upon true and plausible explanations, as well as reflects normal behaviour of a common prudent person on the part of the applicant, the Court would normally tilt the judicial discretion in favour of such an applicant. Liberal construction cannot be equated with doing injustice to the other party. Delay should be condoned to do substantial justice without resulting in injustice to the other party. This balance has to be kept in mind by the Court while deciding such applications.”

In our view, the explanation offered does not seem to be reasonable or plausible inasmuch as no convincing explanation has been offered for the period between May 2012 to Nov 2015. Thus the Applications aforesaid are liable to be rejected.

Accordingly, the application for condonation of delay being devoid of merit is rejected.

O.A No Nil of 2015

As a consequence of the above, the O.A is also dismissed.

(Air Marshal Anil Chopra)
Member (A)

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

MH

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

RESERVED
Court No. 1
List-A

Original Application No. 324 of 2013

Prabodh Nath Tiwari
By Legal Practitioner for Applicant

Applicant

Versus

Chief of the Army Staff & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>01.03.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Judgment pronounced. Original Application is dismissed. For order, see our order of date passed on separate sheets.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>Gsr</p> |

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

M.A. No. 572 of 2016 with M.A. No. 2744 of 2016
In re O.A. No. Nil of 2016

Shiv Nath 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>01.03.2017</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 Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p><u>M.A. No. 572 of 2016</u></p> <p>This is an application for condonation of delay in preferring the Original Application against impugned order of dismissal from service. The order of dismissal was passed on 10.11.1999. The Original Application has been filed on 10.03.2016.</p> <p>Ld. Counsel for the applicant submitted that a, liberal view should be taken while deciding a petition preferred barred by limitation.</p> <p>On the other hand, Ld. Counsel for the respondents cited Apex Court decision in the case of <i>Balwant Singh (Dead) vs. Jagdish Singh & ors</i>, (2010) 8 SCC 685 and submitted that in present case there is absolutely no explanation forthcoming with regard to delay of approximately fifteen years. Ld. Counsel for the respondents invited attention of the Tribunal to 32, 33, 34, 35, 36 and 37, which for convenience sake, may be reproduced as under:-</p> |

“32. It must be kept in mind that whenever, a law is enacted by the legislature, it is intended to be enforced in its proper perspective. It is an equally settled principle of law that the provisions of a statute, including every word have to be given full effect, keeping the legislative intent in mind, in order to ensure that the projected object is achieved. In other words, no provision can be treated to have been enacted purposelessly.

33. Furthermore, it is also a well settled canon of interpretative jurisprudence that the Court should not give such an interpretation to the provisions which would render the provision ineffective or odious. Once the legislature has enacted the provisions of Order 22, with particular reference to Rule 9, and the provisions of the Limitation Act are applied to the entertainment of such an application, all these provisions have to be given their true and correct meaning and must be applied wherever called for. If we accept the contention of the Ld. Counsel appearing for the applicant that the Court should take a very liberal approach and interpret these provisions (Order 22 Rule 9 CPC and Section 5 of the Limitation Act) in such a manner and so liberally, irrespective of the period of delay, it would amount to practically rendering all these provisions redundant and inoperative. Such approach or interpretation would hardly be permissible in law.

34. Liberal construction of the expression “sufficient cause” is intended to advance substantial justice which itself presupposes no negligence or inaction on the part of the applicant, to whom want of bonafide is imputable. There can be instances where the court should condone the delay; equally there would be cases where the court must exercise its discretion against the applicant for want of any of these ingredients or where it does not reflect “sufficient cause” as understood in law. (Advanced Law Lexicon, P. Ramanatha Aiyer, 2nd Edn., 1997).

35. The expression “sufficient cause” implies the presence of legal and adequate reasons. The word “sufficient” means adequate enough, as much as may be necessary to answer the purpose intended. It embraces no more than that which provides a plenitude which, when done, suffices to accomplish the purpose intended in the light of existing circumstances and when viewed from the reasonable standard of practical and cautious men. The sufficient cause should be such as it would persuade the court, in exercise of its judicial discretion, to treat the delay as and excusable one. These provisions give the courts enough power and discretion to apply a law in a meaningful manner, while assuring that the purpose of enacting such a law does not stand frustrated.

36. We find it unnecessary to discuss the instances which would fall under either of these classes of cases. The party should show that besides acting bonafide, it had taken all possible steps within its power and control and had approached the court without any unnecessary delay. The test is whether or not a cause is sufficient to see whether it could have been avoided by the party by the exercise of due care and attention. (Advanced Law Lexicon, P. Ramanatha Aiyer, 3rd Edn., 2005).

37. We feel that it would be useful to make a reference to the judgment of this Court in *Perumon Bhagwathy Devaswom*. In

this case, the Court, after discussing a number of judgments of this court as well as that of the High Courts, enunciated the principles which need to be kept in mind while dealing with applications filed under the provisions of Order 22 CPC along with an application under Section 5 of the Limitation Act for condonation of delay in filing the application for bringing the legal representatives on record. In SCC para 13 of the judgment, the Court held as under: (SCC pp. 329-30)

“(i) The words ‘sufficient cause for not making the application within the period of limitation’ should be understood and applied in a reasonable, pragmatic, practical and liberal manner, depending upon the facts and circumstances of the case, and the type of case. The words ‘sufficient cause’ in Section 5 of the Limitation Act should receive a liberal construction so as to advance substantial justice, when the delay is not on account of any dilatory tactics, want of bonafides, deliberate inaction or negligence on the part of the appellant.

(ii) In considering the reasons for condonation of delay, the courts are more liberal with reference to applications for setting aside abatement, than other cases. While the court will have to keep in view that a valuable right accrues to the legal representatives of the deceased respondent when the appeal abates, it will not punish an appellant with foreclosure of the appeal, for unintended lapses. The Courts tend to set aside abatement and decide the matter on merits, rather than terminate the appeal on the ground of abatement.

(iii) The decisive factor in condonation of delay, is not the length of delay, but sufficiency of a satisfactory explanation.

(iv) The extent or degree of leniency to be shown by a court depends on the nature of application and facts and circumstances of the case. For example, courts view delays in making applications in a pending appeal more leniently these delays in the institution of an appeal. The courts view applications relating to lawyer’s lapses more leniently than applications relating to litigant’s lapses. The classic example is the difference in approach of courts to applications for condition of delay in filing an appeal and applications for condonation of delay in re-filing the appeal after rectification of defects.

(v) Want of ‘diligence’ or ‘inaction’ can be attributed to an appellant only when something required to be done by him, is not done. When nothing is required to be done, courts do not expect the appellant to be diligent. Where an appeal is admitted by the High Court and is not expected to be listed for final hearing for a few years, an appellant is not expected to visit the court or his lawyer every few weeks to ascertain the position nor keep checking whether the contenting respondent is alive. He merely awaits the call or information from his counsel about the listing of the appeal’.

We may also notice here that this judgment had been

followed with approval by an equivalent- Bench of this Court in Katari Suryanarayana.”

In case the applicant's case is considered in view of the observations made by Hon'ble Supreme Court in the case of *Balwant Singh* (supra), keeping in view the fact that no effort was made by the applicant to challenge the impugned order of dismissal dated 10.11.1999 for approximately fifteen years, condonation of delay shall be in utter disregard to the statutory mandate. Even if adopting a liberal approach, it shall not make out a case to condone the delay, that too of more than fifteen years. Condoning the unexplained delay of more than fifteen years shall frustrate the very object of Section 5 of the Indian Limitation Act and the statutory period as provided in the Armed Forces Tribunal Act, 2007.

In view of above cited decision of Hon'ble Apex Court, no good ground is made out for condoning delay.

Application for condoning delay is accordingly **rejected**.

As a consequence, the Original Application is also **dismissed**.

No order as to costs.

(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. 1 (List A)

M.A. No. 334 of 2017 In re T.A. No. 1346 of 2010

Shesh Nath Singh
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>01.03.2017</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 Ziauddin Khan, Ld. Counsel for the petitioner and Maj Soma John, OIC Legal Cell for the respondents.</p> <p>It is stated by Ld. Counsel for the petitioner that cost has been deposited. Office shall verify and submit report.</p> <p>OIC Legal Cell submitted that Ms Amrita Chakraborty, Ld. Counsel for the respondents is not attending Court on account of illness and prayed for adjournment.</p> <p>As prayed, list the case on 28.03.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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><small>anb</small></p> |

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

O.A. No. 89 of 2012

Arun Kumar Gupta

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>01.03.2017</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>Put up tomorrow i.e. 02.03.2017 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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><small>anb</small></p> |

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

O.A. No. 1 of 2016 with M.A. No. 1868 of 2016

Shyam Sunder Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>01.03.2017</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 Rohit Kumar, 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 style="text-align: center;">As prayed by Shri Rohit Kumar, Ld. Counsel for the applicant, list the case on 10.04.2017 for hearing.</p> <p style="text-align: center;">On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</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><small>anb</small></p> |