

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

Jaswant 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>09.03.2017</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>Judgment pronounced.</p> <p>Transferred Application No. 1036 of 2010 is dismissed.</p> <p>For order, see our order of date passed on separate sheets.</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

AFR
Reserved
Court No. 1
List A

TRANSFERRED APPLICATION No. 103 of 2012

Sita Ram
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>09.03.2017</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, Ld. Counsel for the Petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the Respondents assisted by Maj Soma John, OIC Legal Cell, Judgment pronounced.</p> <p>Transferred Application No. 103 of 2012 is dismissed.</p> <p>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><small>Rathore</small></p>

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

EX-A. No. 243 of 2016 In re O.A. No. 239 of 2013

Ram Kishor Dwivedi 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>09.03.2017</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 : None for the Applicant. Shri D.K. Pandey, Ld. Counsel for the Respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>None appeared for the Applicant. However, since it is a case for execution of the order passed by this Tribunal dated 05.08.2016, Ld. Counsel for the Respondents is granted four weeks' time to show cause as to why order of this Tribunal has not been complied with.</p> <p>Ld. Counsel for the Respondents states that copy of the execution application has not been served by Ld. Counsel for the applicant up on the respondents. Registry shall issue a copy of the execution application to Ld. Counsel for the Respondents within a week.</p> <p>List the case on 22.05.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p style="text-align: left; font-size: small;">jpt</p>

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

M.A. No. 429 of 2017 In re T.A. No. 1000 of 2010

Union of India & Others Applicant-Respondents
By Legal Practitioner for the Applicant-Respondents

Versus

Smt Kalawati Devi Respondent-Petitioner
By Legal Practitioner for Respondent-Petitioner

Notes of the Registry	Orders of the Tribunal
	<p><u>09.03.2017</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 Dinesh Kumar Pandey, learned counsel for the applicant- respondents, assisted by Maj Soma John,OIC Legal Cell and Shri Sarvesh Pandey, learned counsel for the respondent-petitioner.</p> <p style="text-align: center;"><u>M.A. No. 429 of 2017</u></p> <p>This is an application under Section 31 of the Armed Forces Tribunal Act, for leave to appeal.</p> <p>Heard Ld. Counsel for the parties.</p> <p>Learned counsel for the respondent – petitioner Shri Sarvesh Pandey submits that he does not intend to file objection.</p> <p>The argument advanced by learned counsel for the applicant- respondents seems to be concluded by finding of fact. No substantial question of law of public importance has been pointed out by the learned counsel for the applicant- respondents while making the prayer for grant of leave to appeal.</p> <p>Accordingly, application lacks merit and is 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>jpt</p>

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

M.A. No. 433 of 2017 In re T.A. No. 48 of 2011

Taj Mohd Sheikh 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>09.03.2017</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 R. Chandra, Ld. Counsel for the Petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the Respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 433 of 2017</u></p> <p>This is an application for recall of order dated 09.02.2017, passed by this Tribunal.</p> <p>Heard.</p> <p>Cause shown is sufficient.</p> <p>Order dated 09.02.2017 dismissing the T.A. for non prosecution is recalled subject to payment of Rs 500/- as costs, which shall be remitted to Bar Association of Armed Forces Tribunal, Regional Bench, Lucknow.</p> <p>T.A. shall be restored to its original number, subject to production of receipt indicating payment of cost by Ld. Counsel for the applicant- petitioner.</p> <p>Application is disposed of.</p> <p>List this case on 17.04.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p 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>

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

M.A. No. 434 of 2017 with M.A. No. 435 of 2017
In re O.A. No. 213 of 2015

Union of India & Others Applicant-Respondents
By Legal Practitioner for the Applicant-Respondents

Versus

Jagat Singh Respondent-Applicant
By Legal Practitioner for Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>09.03.2017</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 Arun Kumar Sahu, Ld. Counsel for the Applicant-Respondents, assisted by Maj Soma John, OIC Legal Cell and Shri Diwakar Singh, Ld. Counsel for the Respondent-Applicant.</p> <p style="text-align: center;"><u>M.A. No. 434 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. The Tribunal lacks jurisdiction to condone the delay. In view of above, application for condonation of delay in filing application for leave to appeal is rejected.</p> <p style="text-align: center;"><u>M.A. No. 435 of 2017</u></p> <p>Since application for condonation of delay has been rejected, in consequence thereof, 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>

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Court No. 1 (List A)

O.A. No. 116 of 2013

Karamati Iqbal 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>09.03.2017</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 : None for the Applicant. Shri Bhanu Pratap Singh, Ld. Counsel for the Respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel Shri V.P. Pandey submits that Shri K.K.S. Bisht, Ld. Counsel for the applicant is out of station.</p> <p>List the case on 20.04.2017 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>

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Court No. 1 (List A)

EX-A. No. 151 of 2016 In re O.A. No. 130 of 2014

Adesh 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>09.03.2017</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, Ld. Counsel for the Applicant and Mrs. Appoli Shrivastava, Ld. Counsel for the Respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for Respondents prays for and is granted two weeks' time to enable him to seek instructions in terms of earlier order.</p> <p>List the case on 30.03.2017 for orders. Respondents shall submit status report on the said date.</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>

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Court No. 1 (List A)

EX-A. No. 30 of 2017 In re O.A. No. 126 of 2013
with M.A. No. 448 of 2017

Satendra 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>09.03.2017</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, Ld. Counsel for the Applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the Respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>EX-A. No. 30 of 2017 with M.A. No. 448 of 2017</u></p> <p>Compliance report filed by Ld. Counsel for the Respondents is taken on record.</p> <p>M.A. No. 448 of 2017 is disposed of.</p> <p>Ld. Counsel for the respondents submits that P.P.O. has been issued; a copy of which has been served on Ld. Counsel for the applicant.</p> <p>Let the Bank concerned release the amount in question to applicant's bankers within two months from today.</p> <p>With the aforesaid direction, we dispose of the execution application finally.</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>

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Court No. 1 (List A)

M.A. No. 48 of 2016 along with O.A. No. 417 of 2012 (Decided)

Rajendra 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>09.03.2017</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..K. Pandey, Ld. Counsel for the Applicant and Dr. Shailendra Sharma Atal, 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, list the case on 27.03.2017 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 style="text-align: left; font-size: small;">jpt</p>

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Court No. 1 (List A)

M.A. No. 243 of 2016 with M.A. No. 244 of 2016 &
M.A. No. 1443 of 2016 In re O.A. No. Nil of 2016

Suraj 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>09.03.2017</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. Pathak, Ld. Counsel for the Applicant and Shri Asheesh Agnihotri, Ld. Counsel for the Respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>In pursuance of Court Martial proceeding, the petitioner is in jail. Ld. Counsel for the respondents submits that application moved by Ld. Counsel for the applicant is defective.</p> <p style="text-align: center;"><u>M.A. No. 243 of 2016</u></p> <p>However since the question relates to condonation of delay, we proceed to decide the controversy on the basis of pleadings on record as well as arguments advanced by Ld. Counsel for the applicant.</p> <p>According to office report, the delay is only of two months. However the impugned order of conviction was passed on 27.05.2015. Ld. Counsel for the applicant has explained the delay. Cause shown seems to be sufficient. Delay is condoned. M.A. No. 243 of 2016 is disposed of.</p> <p style="text-align: center;">Admit.</p> <p>Four weeks' and no more time is granted to Ld. Counsel for the respondents to file counter affidavit. Ld. Counsel for the applicant shall have two weeks, thereafter to file rejoinder affidavit.</p> <p>List the case on 27.04.2017 for disposal of bail application as well as for hearing of the case, in case affidavits are exchanged.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p>

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

M.A. No. 442 of 2017 In re T.A. No. 96 of 2016

Union of India & Others By Legal Practitioner for the Applicant	Applicant
Versus	
Maj Gen DVS Rana By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.03.2017</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.S. Vats, learned counsel for the applicant, assisted by Maj Soma John, OIC Legal Cell and Shri K.C. Ghildiyal, learned counsel for the respondents.</p> <p>We have heard learned counsel for the Petitioner assisted by Col Ajeen Kumar on the Application for grant to leave to Appeal.</p> <p>In the course of hearing, Col Ajeen Kumar OIC Legal Cell sought further time to expatiate on certain vital points.</p> <p>As prayed, 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>MH</p>

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

M.A. No. 2658 of 2016 In re M.A. No. 500 of 2016, M.A. No. 501 of 2016
& O.A. No. 76 of 2012

Krishna Dev Singh (Deceased) Applicant
Through wife Smt Anupama Kumari)
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>09.03.2017</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 Subhash Chandra Yadav, 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>We have heard learned counsel for the Applicant on the Application for recall for the order dated 07.11.2016 whereby the Application was dismissed for want of prosecution.</p> <p>Learned counsel for the Applicant has explained his absence on the date to our fullest satisfaction.</p> <p>In view of the above, the order dated 07.11.2016 is recalled of course subject to payment of cost which we quantify at Rs 500/- to be deposited within a week with Registry of the Tribunal through cheque. On the cost being deposited, the same shall be remitted to the account of Local Bar Association Armed Forces Tribunal, Regional Bench, Lucknow for being utilised for upgradation of its Library etc.</p> <p>List this case on 06.04.2017 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>MH</p>

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

O.A. No. 41 of 2015

Parmjit 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>09.03.2017</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 G.S. Sikarwar, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The counsel for the respondents seeks a day's time in order to enable him to prepare himself on certain points emerged in the course of arguments.</p> <p>As prayed, list this case on 10.03.2017 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>

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Court No. 1 (List A)

O.A. No. 200 of 2015 with M.A. No. 2564 of 2016

Col V.J.S. Varaich

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>09.03.2017</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, learned counsel for the applicant and Shri Alok Mathur, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>We have heard learned counsel for the respondents assisted by Shri Yogesh Keservani and OIC Legal Cell namely, Col Ajeen Kumar.</p> <p>Affidavits filed by learned counsel for the respondents in terms of the earlier orders are taken on record.</p> <p>Learned counsel for the petitioner relied upon Policy letters of MS Branchy dated 04.04.96, 30.01.1990, 24.01.96, 21.01.98 and 15.07.1999 and submits that the above policy letters have not been superseded by Army order 45 of 2001.</p> <p>In the facts and circumstances, it shall be appropriate that all the above policy letters are brought on record to facilitate learned counsel for the respondents to argue on the matter. Let affidavit be filed during the course of the day. One set copy of the policy letters aforesaid has been provided to the learned counsel for the respondents in the court itself.</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>MH</p>

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

T.A. No. 211 of 2009

Liladhar

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>09.03.2017</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>Learned counsel for the respondents prays for a week's time to file affidavit.</p> <p>Let affidavit be filed accordingly in terms of order dated 09.02.2017.</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>

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Court No. 1 (List A)

T.A. No. 1204 of 2010 Alongwith T.A. No. 211 of 2009

T Kishan By Legal Practitioner for the Petitioner	Versus	Petitioner
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.03.2017</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 Pradeep Chandola, learned counsel for the petitioner and Shri Amit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the respondents prays for a week's time to file affidavit.</p> <p style="text-align: center;">Let affidavit be filed accordingly in terms of order dated 09.02.2017.</p> <p style="text-align: center;">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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

O.A. No. 169 of 2011

Lt Col Lokesh Kandpal

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>09.03.2017</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 : None for the applicant and Shri R.K.S. Chauhan, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>It is informed across the bar that Shri R.D.Singh learned counsel for the Applicant has not attended the Court today on account of being ill.</p> <p>In view of the above, the case is adjourned and is directed to be listed on 10.04.2017 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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

O.A. No. 262 of 2012

Mahesh Singh @ Shyam

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>09.03.2017</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 D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>We have heard learned counsel for the parties at length. In the course of hearing, learned counsel for the respondents prays for some time to prepare himself on certain points that emerged in the course of arguments.</p> <p>As prayed, list this case for further hearing 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>MH</p>

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

O.A. No. 109 of 2016 with M.A. No. 2642 of 2016
& M.A. No. 2780 of 2016

Amarnath Singh Kharwar 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>09.03.2017</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 Diwakar Singh, learned counsel for the applicant and Maj Soma John, OIC Legal Cell.</p> <p>It is informed across the bar that Shri Sidharth Dhaon who is appearing for the respondents is on leave today.</p> <p>In view of the above, the case is directed to be listed on 24.04.2017 for hearing.</p> <p>In the meanwhile, let the order dated 22.12.2016 containing order passed by way of interim measure, be communicated to the authority that be, for strict compliance.</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. 572 of 2010

H.C.S. Rautela

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>09.03.2017</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) Ashok Kumar & Shri Rohit Kumar, learned counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List this case on 31.03.2017 for further hearing as prayed by learned counsel for the respondents.</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. 633 of 2010

Upendra Singh Chauhan Petitioner
By Legal Practitioner for the Petitioner
Versus
Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.03.2017</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, 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;">List this case on 31.03.2017 for further hearing as prayed by learned counsel for the respondents.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) 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. 38 of 2016

Kripal 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>09.03.2017</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, learned counsel for the petitioner and Shri R.K.S. Chauhan, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Counsel for the respondents seeks further time to file reply to supplementary affidavit.</p> <p>As prayed, two weeks' further time is allowed to file reply to the supplementary affidavit.</p> <p>List this case on 13.04.2017 for 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)

Dy No. 498 of 2017 In re O.A. No. Nil of 2017

Col Ran Singh Dudee 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>08.03.2017</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 Amit Jaiswal as counsel for the respondents is taken on record. Let his name be shown as counsel for the respondents when the case is next listed.</p> <p>Present: Applicant in person and Shri Amit Jaiswal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Applicant submits that all outstanding dues payable to him in terms of letters which are contained in Annexure 1 be transferred to Army Welfare Fund.</p> <p>The present Application has been mentioned as Dy. No. 498 of 2017 which implies that it bristles with defects.</p> <p>We have perused the office report which mentions the following defects which are quoted below.</p> <p>(a) Particulars (No & Date) of impugned letters have not been mentioned in para 8 (a) of the OA.</p> <p>(b) Blank cheque as mentioned in para 8(b) of the OA has not been filed."</p> <p>In so far as filing of blank cheque is concerned, non</p>

mention of particulars (No and date) indicates, prayer is accepted and appropriate order is passed. Be that as it may, since the Applicant appeared in person and raised grievance with regard to outstanding dues payable to him, we admit the O.A waiving all the objections scripted by the office.

Let counter affidavit be filed within four weeks. Rejoinder affidavit if any may be filed within two weeks next thereafter.

List this case on 09.05.2017 for orders.

(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)

Dy No. 499 of 2017 In re O.A. No. Nil of 2017

Col Ran Singh Dudee 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>08.03.2017</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 D.K.Pandey, as counsel for the respondents is taken on record. Let his name be shown as counsel for the respondents when the case is next listed.</p> <p>Present: Applicant in person Shri D.K.Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List this case on 09.05.2017 in order to enable learned counsel for the respondents to receive instructions as to why the O.A be not admitted.</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)

Dy No. 500 of 2017 In re O.A. No. Nil of 2017

Col Ran Singh Dudee 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>08.03.2017</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 Mrs Appoli Srivastava as counsel for the respondents is taken on record. Let his name be shown as counsel for the respondents when the case is next listed.</p> <p>Present : Applicant in person and Mrs Appoli Srivastava, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Learned counsel for the respondents raises a preliminary objection that the present case is not maintainable.</p> <p>The case is listed for 09.05.2017 to show cause why the O.A. be not admitted.</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. 425 of 2017 In re O.A. No. Nil of 2017

Rahul Banswar

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>08.03.2017</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 Dr. Chet Narayan Singh as counsel for the respondents is taken on record. Let his name be shown as counsel for the respondents when the case is next listed.</p> <p>Present: Shri Nand Kishore, learned counsel for the applicant and Dr. Chet Narayan Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection to the Application for Condonation of delay. Replication, if any, may be filed within four weeks next thereafter.</p> <p>List this case on 11.05.2017 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)

O.A. No. 86 of 2017

Awadhesh 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>08.03.2017</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 G.S.Sikarwar as counsel for the respondents is taken on record. Let his name be shown as counsel for the respondents when the case is next listed.</p> <p>Present: Shri Arun Kumar, 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>The controversy in the instant case revolves round certain ACR entries awarded to the Applicant and also his claim for further promotion.</p> <p>In view of the above, it is a fit case for admission.</p> <p>Admit.</p> <p>Since matter requires hearing, let counter affidavit be filed within six weeks. Rejoinder affidavit, if any, may be filed within two weeks next thereafter.</p> <p>List this case on 12.05.2017 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>MH</p>

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

C.A. No. 1 of 2017 In re O.A. No. 227 of 2016

Smt. Poonam Shukla 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>08.03.2017</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 Angrej Nath Shukla, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>It is submitted by learned counsel for the respondents that the order of the Tribunal has been complied with by the CO Record who has been arrayed as the only respondent in the instant case. In this connection, he has drawn attention to the letter dated 08.03.2017 which is a letter forwarding the claim to the PCDA (P) Allahabad. It is submitted that it is the PCDA (P) which is to pass the final order in compliance of the order of the Tribunal.</p> <p>In the instant case PCDA (P) Allahabad has not been arrayed as a party.</p> <p>In view of the above, the Contempt Application aforesaid is accordingly rejected.</p> <p>Let a copy of the letter dated 08.03.2017 be supplied to learned counsel for the Applicant in the course of the day positively.</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. 35 of 2017 In re O.A. No. 237 of 2014

Jagat Pal Singh Rathore

Applicant

By Legal Practitioner for the Applicant

Versus

OIC Records, AEC, Panchmarhi & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>08.03.2017</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 Ashok Kumar, learned counsel for the applicant and Mrs. Appoli Shrivastava, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>Ex A No 35 of 2017.</u></p> <p>It is submitted by learned counsel for the respondents that the order has been complied with and second Ex Application is not maintainable.</p> <p>In case, the Applicant feels still aggrieved, it shall be open to the respondents to approach the appropriate forum afresh for the relief.</p> <p>In view of the above, the Ex A being devoid of merit, is 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>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. 39 of 2017 In re O.A. No. 23 of 2011

Jeet Bahadur 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>08.03.2017</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 Vijay Kumar Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>Ex A No 39 of 2017.</u></p> <p>The grievance is that the order of the Tribunal dated 03.01.2017 has not been complied with whereby Ex Application was disposed of with the direction that all the outstanding dues shall be released to the Applicant within one month by the Bank concerned. It is clarified by the OIC Legal Cell that the PPO was issued on 02.01.2017 and the same was forwarded to the Bank on 10.01.2017.</p> <p>In view of the above, let notices be issued to respondents 1 and 2 to show cause why appropriate proceedings be not initiated on account of non compliance with the order of the Tribunal dated 03.01.2017 inspite of the fact that the respondents 3,4 and 5 had sanctioned and forwarded the PPO to the Bank for payment of outstanding dues to the Applicant in compliance of the order of the Tribunal dated 18.09.2015.</p> <p style="text-align: center;">List this case on 27.04.2017 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>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. 14 of 2012 with Dy No. 326 of 2015 In re T.A. No. 394 of 2010

V.N. Saxena Petitioner
By Legal Practitioner for the Petitioner
Versus
Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>08.03.2017</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>Learned counsel for the respondents has produced cheque of Rs 25000/- in compliance of order of the Tribunal dated 13.12.2016 issued in the name of the Tribunal. Let the said cheque be delivered in the office of the Registrar within two days for being processed in compliance of the order of the Tribunal.</p> <p><u>Ex A. No 14 of 2012</u></p> <p>In so far as compliance of the order of the Tribunal 02.03.2012 is concerned, it is submitted that the order has already been complied with by granting consequential benefits which included promotion of the petitioner notionally on the post of Major. Learned counsel for the Petitioner objected submitting that notional promotion as Major does not constitute full compliance of the order of the Tribunal inasmuch as petitioner was entitled to further promotion on the post of Colonel or Lt Colonel. Learned counsel for the respondents submits that for higher promotion, the petitioner was required to pass requisite examination and to undergo training which he did not do. Learned counsel for the Petitioner in reply submits that he was not afforded opportunity to do so.</p>

From a bare perusal of the order dated 02.03.2012, it would appear that the respondents were directed to grant consequential benefits treating the petitioner to be of rank of Captain at the time of discharge. This order cannot be stretched to mean that the Tribunal had intended promotion of the petitioner to still higher posts.

Be that as it may the order aforesaid of the Tribunal seems to be complied with in toto. In case the petitioner feels aggrieved by the order and feels that he could have been granted further promotion beyond the rank of Major, then it seems to be a different cause of action for which he has to approach afresh for appropriate relief.

In view of the above, the Execution Application is disposed of with liberty to the petitioner to approach the appropriate forum afresh if he is so advised.

(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)

EX-A. No. 153 of 2016 In re M.A. No. 156 of 2016

Ramesh 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>08.03.2017</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 Ashok Kumar, 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>It is submitted that in the instant case, Government has already accorded sanction in compliance of the order of the Tribunal.</p> <p>In view of the above, the case is ordered to be listed on 02.04.2017 on which date learned counsel for the respondents shall produce the PPO issued in pursuance of the Government Sanction.</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. 54 of 2010

Ram Bachan Singh Yadav 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>08.03.2017</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 Prashant Kumar Bajpai holding brief of Shri Manjive Shukla, 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>Shri Prashant Kumar Bajpai holding brief of learned counsel for the Applicant prays for adjournment submitting that counsel for the Applicant being unwell has not attended the Court today.</p> <p>In view of the above, the case is adjourned and is directed to be listed on 23.03.2017 for orders.</p> <p>Needless to say, in case counsel for the Applicant is not in a position to argue the case, Shri Bajpai shall himself argue the case.</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. 31 of 2014 with M.A. No. 2523 of 2016
& M.A. No. 2646 of 2016

Jeetendra Bahadur 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>08.03.2017</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 : Applicant in person and Shri Bhanu Pratap Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Supplementary counter affidavit filed today in court is taken on record.</p> <p style="text-align: center;">Applicant who appeared in person, seeks adjournment on the ground that his counsel being unwell has not attended the Court today.</p> <p style="text-align: center;">In view of the above, the case is adjourned and is directed to be listed on 05.07.2017 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)

O.A. No. 36 of 2017

Venugopal P

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>08.03.2017</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 Asheesh Agnihotri, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The submission of learned counsel for the Applicant is that the Applicant has been tried for the second time for the same offence resulting in his reversion to the lower rank.</p> <p>The case is yet to be admitted.</p> <p>In view of the above, the above case is admitted.</p> <p>As prayed, six weeks' time is allowed to file counter affidavit.</p> <p>Rejoinder affidavit, if any, may be filed within two weeks next thereafter.</p> <p>List this case for orders on 03.07.2017.</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. 62 of 2016

Sudama 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>08.03.2017</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: Petitioner in person and Shri Yogesh Kesarwani, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>It would appear from the record, despite repeated directions, no counter affidavit has yet been filed. Learned counsel for the respondents seeks two weeks' more time to file counter affidavit. Let counter affidavit be filed within two weeks positively. Rejoinder affidavit if any may be filed within two weeks next thereafter.</p> <p>Learned counsel for the petitioner appeared in person alongwith amendment Application which he wants to bring on record. Since his counsel being unwell has not attended the court, the amendment Application cannot be accepted on record.</p> <p>As prayed the case is adjourned to 13.04.2017 for orders on which date either the petitioner may argue the case himself by withdrawing power from the present counsel or engage another counsel.</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. 573 of 2010 with M.A. No. 1394 of 2016

Satyendra 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>08.03.2017</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: justify;">Present : Col (Retd) Ashok Kumar & Shri Rohit Kumar, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: justify;">As directed earlier, chart of dates and events has not been submitted by learned counsel for the petitioner.</p> <p style="text-align: justify;">Learned counsel for the Petitioner prays for two days' time.</p> <p style="text-align: justify;">In view of the above, the case is ordered to be listed on 27.03.2017 for orders. In the meanwhile, learned counsel for the petitioner may submit chart of dates and events and compilation of case-laws which he seeks to rely on to buttress his 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 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)

O.A. No. 183 of 2010 In Ref: with M.A. No. 2708 of 2016

Satish 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>08.03.2017</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 : Brijesh Verma, learned counsel for the applicant and Shri Ashish Saxena, learned counsel for the respondents, assisted by none.</p> <p>It is informed by learned counsel for the respondents that One Vikrant OIC Legal Cell from Navy who is dealing with the present matter is on leave and therefore, he is hindered in arguing the case. He prays that the case be listed after 15 days.</p> <p>As prayed, the case is adjourned and is ordered to be listed after 15 days on 29.03.2017 for rehearing.</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. 27 of 2010

Maj Gen Nilendra 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>08.03.2017</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 Dipak Seth, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Record has not been produced even today. The OIC Legal Cell submits that the record has to come from Western Command. We direct the GOC-in-C Western Command to send the record through Special Messenger within a week from today. We are constraint to pass this order since repeatedly the directions issued earlier for production of record have not been complied with.</p> <p style="text-align: center;">List this case for further 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>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. 1290 of 2010

Arvind Kumar Katiyar 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>08.03.2017</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.S. Yadav, learned counsel for the petitioner and Shri Kaushik Chattarji, learned counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>Learned counsel for the petitioner submits that in the present case, three times Summary of Evidence was recorded. The record produced before the Tribunal during the course of hearing relates to the last one. The respondents are directed to produce the records relating to every Summary of Evidence even if the same suffers from any illegality or irregularity. Original records relating to other inquiries, if any, with respect to the present controversy shall also be produced on the next date. The respondents shall also file an affidavit.</p> <p>List this case for further hearing on 23.03.2017.</p> <p>Copy of this order be provided to the respondents on usual charges 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>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. 11 of 2012

Krishan Lal

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>08.03.2017</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 Ashish Saxena, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Shri Ashish Saxena, learned counsel for the respondents, list this case for further hearing 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. 200 of 2013

Dinesh 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>08.03.2017</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 Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Shri Amit Sharma, learned counsel for the respondents, 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. 13 of 2017

Sgt SP Pandey

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>08.03.2017</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 , Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>On request made by Ld. Counsel for the petitioner, list the case on 13.04.2017 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>

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

OA. No. 78 of 2017

Maj K Venkateswara
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>08.03.2017</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 Devansh Bhardwaj, 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>Applicant, a Short Service Commission (SCC) member of the Army Medical Corps, has approached the Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 raising grievance that he and members of his cadre are not being given liberty to undergo training in Armed Forces Medical College (AFMC), Pune though other persons including civilians are permitted to join the Post Graduate Course (P.G. Course). It is submitted by Maj Soma John, OIC Legal Cell that since members of SSC lack sufficient time to serve the Army inasmuch as they retire after serving for a period of 10 or 14 years, as the case may be, and they having no post course utilization for the Army, they are not permitted to undergo P.G. Course at AFMC, Pune as per policy framed on the subject. However, it is submitted that in all other Institutions of the country, members of the SCC may join in Post Graduate courses.</p> <p>Arguments advanced by both the sides require hearing.</p> <p>Admit.</p>

Respondents may file counter affidavit within four weeks.
Applicant may file rejoinder affidavit within two weeks thereafter.

List the case on 12.05.2017 for hearing.

It is not disputed that civilians are being permitted to undergo P.G. Course at AFMC, Pune. Prima facie, it appears that once civilians are permitted to undergo P.G. Course at AFMC, Pune, denial of such opportunity to members of the SCC seems to be denial of reasonable opportunity since, at least, they serve the Army for 10 or 14 years. Civilians who do not serve the Army even for a short period, are being permitted to undergo P.G. Course in AFMC, Pune.

Accordingly, we hope and trust that the respondents shall look into the matter with a positive thinking and shall earmark some seats in P.G. Course in AFMC, Pune for SCC Officers. The policy may continue subject to further orders of the Tribunal with liberty granted to the respondents to earmark some seats for SCC Officers.

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

Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.

Copy of the order be supplied to Ld. Counsel for the parties free of cost by 09.03.2017

(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)

T.A. No. 572 of 2010

H.C.S. Rautela

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>08.03.2017</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, learned counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the petitioner, list the case on 09.03.2017 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. 633 of 2010

Upendra Singh Chauhan 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>08.03.2017</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, 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>As prayed by Ld. Counsel for the petitioner, list the case on 09.03.2017 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. 65 of 2016

Sanjay 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>08.03.2017</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 Lakshman Singh, learned counsel for the petitioner and Shri Amit Jaiswal, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Shri Lakshman Singh, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Maj Soma John, OIC Legal Cell.</p> <p>Order 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>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. 76 of 2016 with M.A. No. 383 of 2017

Girish Dhar Dwivedi

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>08.03.2017</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, learned counsel for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 383 of 2017</u></p> <p>Heard Ld. Counsel for the parties on application for amendment.</p> <p>Application is allowed.</p> <p>Ld Counsel for the petitioner is permitted to incorporate the amendment in the prayer clause within two days.</p> <p style="text-align: center;"><u>T.A. No. 76 of 2016</u></p> <p>List the case on 03.04.2017 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>