

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

EX-A. No. 9 of 2017 In re O.A. No. 214 of 2010

Smt. Maiser Bano

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>20.03.2017</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 D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>According to OIC Legal Cell, Government sanction has already been granted to implement the order of Tribunal and in consequence thereof the applicant has been communicated to complete certain formalities. Copy of the aforesaid letter has been provided to the applicant's counsel during the course of hearing. Let the applicant furnish required documents and complete the formalities within three weeks and thereafter the respondents shall issue PPO within a month. The Bank concerned after receipt of the PPO shall release the outstanding dues in terms of order of this Tribunal expeditiously, say within a period of one month.</p> <p>With the aforesaid directions, 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>

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

M.A. No. 1749 of 2016 with M.A. No. 225 of 2017

Mohd Nasim

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>20.03.2017</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 Rajendra Pratap 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>Applicant Ex Grenadier Mohd Nasim alleges to be a part of military battalion. He fought Indo-Pak war in the year 1965 as Driver (MT PI), which was detailed to drive RCL Gun mounted Jeep. He further alleges that he was driving the vehicle of late CQMH Abdul Hameed's detachment in Khem Karan sector. According to the applicant he shared the war with late CQMH Abdul Hameed with all his ability and assisted him in Khem Karan sector by showing exemplary courage. The submission is that it was applicant's co-operation as Driver to late CQMH Abdul Hameed, who by his outstanding performance in the war, destroyed four Pakistani tanks. A certificate to this effect signed by Maj (Retd) Abdul Hafeez has been filed as Annexure No.3, who is alleged to have commanded the Unit in which the applicant was posted as Driver of late CQMH Abdul Hameed. Applicant submitted a representation (Annexure-4) to the Chief of Army Staff to make endorsement in his service record for the courage shown by him during Indo-Pak war. Applicant also prayed that the outstanding performance and gallantry shown by him in Indo-Pak war should be recorded in his service record with all consequential benefits. Applicant retired in 1978. The certificate issued by former Unit Commander is of 2012. Thereafter, the applicant submitted representation, which has been rejected by the impugned order. So far war of 1965 is concerned, almost 50 years have passed</p>

on the part of the applicant while making the effort to make entry in his service record. There appears to be delay, but the fact remains that in case the respondents find applicant's work and conduct and entitlement with regard to gallantry and outstanding performance shown by him in Indo-Pak war, then it shall be life time achievement for him and he may be benefitted throughout his life. Thus, the consequential benefits, which may be available to the applicant, shall give recurring cause of action to him. Otherwise also, since former Unit Commander Maj (Retd) Abdul Hafeez has issued a certificate with regard to applicant's outstanding performance, prima facie it appears that the things are not on the record and after thorough investigation, in case it is found that the applicant was plying RCL gun mounted Jeep, pertaining to late CQMH Abdul Hameed, then the correct things may be sorted out even at this belated stage. Hope does not die, since former Unit Commander is surviving apart from other persons, as stated by the applicant.

In view of the above for substantial justice as well as keeping in view the recurring cause of action, we condone the delay and admit the application as O.A. Delay condonation application is disposed of.

Let parawise reply be filed by the respondents to the O.A. within two months. Rejoinder affidavit may be filed by the applicant within two weeks thereafter. It shall be appropriate to the respondents to hold a fact finding inquiry after recording the statements of the persons who are surviving at present and participated in the Indo-Pak war as a member of the Unit of late CQMH Abdul Hameed and submit a report alongwith counter affidavit.

List for peremptory hearing on **03.07.2017**.

Let copy of the order be provided to the learned counsel for the parties by tomorrow on usual charges.

(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)

M.A. No. 1901 of 2016 In re O.A. No. (Nil) of 2016

Ramwati Devi @ Ram Beti 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>20.03.2017</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 Shri Kaushik Chattarji, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed, four weeks' time is allowed to the learned counsel for the applicant to file reply to the objection filed by the respondents.</p> <p>List on 01.05.2017 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)

O.A. No. 70 of 2012

Pratap 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>20.03.2017</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.S. Kauntae, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents, assisted by Major Soma John, OIC Legal Cell.</p> <p>Shri D.S. Kauntae, learned counsel for the applicant states that he has filed reply through registered post in compliance of the order of the Tribunal dated 27.02.2017. However, the reply is not on record. The Office is directed to find out the same and place it on record. In case it is not available, then the Office may request Shri Kauntae, learned counsel for the applicant to furnish copy of the same.</p> <p>List on 05.04.2017 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>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. 141 of 2012

Smt Rekha

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>20.03.2017</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 Nishant Verma, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by the learned counsel for the respondents a week's further time is granted to file objection to the amendment application as well as replication.</p> <p>List 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>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. 296 of 2015

Prakash Rai 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>20.03.2017</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 : Maj (Retd) R.D. 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>As prayed by the learned counsel for the respondents, list on 01.05.2017 for hearing and also to enable him to produce the record.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

O.A. No. 325 of 2015

Rakesh Kumar Mishra 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>20.03.2017</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) R.C. Dixit, 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>After hearing the learned counsel for the parties, we allow the amendment application, which may be carried out within two weeks. Applicant's counsel shall also provide upto date amended copy of the O.A. within two weeks, to which respondents' counsel shall file counter affidavit within four weeks. Rejoinder affidavit may be filed by the applicant within two weeks thereafter.</p> <p>Heard.</p> <p>Admit.</p> <p>We also issue notice to respondent no.4, returnable by next date fixed, seeking reply from him to the O.A.</p> <p>List on 04.07.2017 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>JPT</p>

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

R.A. No. 100 of 2016 In re O.A.(A) No. 254 of 2015

Bhagwat Prasad Mishra 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>20.03.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Shri T.N. Tiwari filed Vakalatnama on behalf of the applicant, which is taken on record.</p> <p>Present : Shri T.N. Tiwari, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>This is an application for review of the order dated 16.09.2016, passed in O.A. No. (A) 254 of 2015. While assailing the impugned order, the learned counsel for the applicant submits that no reasonable opportunity was granted to the applicant as 96 hours were not provided to file reply to prepare the case. The argument advanced by the learned counsel for the applicant seems to be misconceived. The grounds raised in the O.A. have been thoroughly considered by the Tribunal while rejecting the application. Reliance placed in para-31 of the O.A. does not indicate that he sought time to file reply to the charge sheet, otherwise also refusal to grant casual leave on the part of the respondents does not mean that the applicant was not granted the reasonable opportunity to defend his case. Applicant wants to make further submission, for which he intends to proceed with denovo hearing of the controversy in question while assailing the order of Tribunal. The jurisdiction conferred for review does not permit the Tribunal to convert the review</p>

jurisdiction by itself it in appellate forum to review its judgment, vide (1999) 9 SCC 596 Ajit Kumar Rath vs. State of Orissa. Power of review conferred on the Court may be exercised when error is apparent at the face of record under Order 47, Rule 1 and 2 of C.P.C. It is statutory power conferred on the Court and is neither inherent power nor a power to re-appreciate evidence, vide (2000) 6 SCC 224; Lily Thomas vs. Union of India. Hence, no case is made out for review of the order. The application is rejected.

Applicant has drawn our attention to different rules of Air Force, which seems to be applied to proceed with denovo hearing. Once, at the time of original hearing some thing was not argued then at this stage in review proceeding, it is not open to proceed with denovo hearing and raise certain arguments stating that same were not argued at the time of disposal of O.A. Applicant's counsel seems to have abused the review forum while preferring the review application.

Accordingly, we dismiss the review application and award cost of Rs.5,000/-, which shall be deposited by the applicant within two months in the Tribunal from today. In case the cost is not deposited within the time provided, it shall be recovered by the District Magistrate concerned as arrears of land revenue.

(Air Marshal Anil Chopra)
Member (A)

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

JPT

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

T.A. No. 7 of 2012

Ganpati 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>20.03.2017</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.S. Kauntae, learned counsel for the petitioner and Shri Yogesh Kesarwani, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The then Col. B.D. Chougale, now Maj Gen, is present in person in pursuance to our order dated 27.02.2017.</p> <p>After going through the record, particularly Annexure-A-10 to the T.A. he admits that it bears his signature. He signed the letter dated 22.10.2009, which is petitioner's representation for cancellation of premature discharge order dated 13.10.2009. Maj Gen B.D. Chougale makes a statement that while filing the affidavit, he was not shown the records, including the letter dated 22.10.2009 (Annexure A-10). Prima facie, he seems to have filed false affidavit and thereby committed perjury, for which he may be tried and punished in accordance with law. However, he wants time to file affidavit indicating the circumstances under which he has filed the affidavit in the present case. Let the affidavit be filed as prayed. In case affidavit is filed, it shall not be necessary for Maj Gen B.D. Chougale to appear on the next date.</p> <p>One more opportunity is granted to ensure the presence of Col (Retd) Mohinder Ahlawat . We caution the respondents that in case he does not appear on the next date, there shall be no</p>

option but to issueailable warrant against him to ensure his presence on the next date, keeping in view the circumstances borne out from the record. Respondents shall bring on record through affidavit as to what happened to the petitioner's letter, which has been signed by private respondent.

List on **05.05.2017** for orders.

Let the copy of the order be provided to the learned counsel for the parties by tomorrow free of cost.

(Air Marshal Anil Chopra)
Member (A)

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

JPT

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

O.A. No. 154 of 2013 with T.A. No. 23 of 2013

Nb Subedar Prashant Kumar Sahoo
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>20.03.2017</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 petitioner and Dr. Shailendra Sharma Atal & Shri Shyam Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>On request made by Ld. Counsel for the petitioner, the case is adjourned for the day.</p> <p>List again on 12.04.2017 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><small>anb</small></p>

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

T.A. No. 1288 of 2010

Chandra Bhushan Yadav 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>20.03.2017</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 Md. Zafar Khan, learned counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC, Legal Cell.</p> <p>Heard Ld. Counsel for the parties at some length. Arguments could not conclude.</p> <p>Put up on 21.03.2017 for further hearing in terms of earlier 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><small>anb</small></p>

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

T.A. No. 23 of 2013 with O.A. No. 154 of 2013

L M Butola

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>20.03.2017</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 Yogesh Kesarwani, learned counsel for the respondents, assisted by Maj Soma Johbn, OIC Legal Cell.</p> <p>On request made by Ld. Counsel for the petitioner, the case is adjourned for the day.</p> <p>List again on 12.04.2017 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>anb</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 2013 with M.A. No. 1075 of 2014

Ex- Wing Cdr Ashwini Kumar Handa
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>20.03.2017</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 D.K. Pandey, learned counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p style="text-align: center;">Ld. Counsel for the applicant is reported to be out of station.</p> <p style="text-align: center;">List the case again on 17.04.2017 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>anb</p>

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

M.A. No. 365 of 2017 with M.A. No. 366 of 2017
In re T.A. No. 777 of 2010

Narain 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>20.03.2017</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 in court today by Shri D.C.Tiwari as counsel for the Applicant is taken on record. Let his name be shown as counsel for the Applicant when the case is next listed.</p> <p>Present: Shri D.C Tiwari learned counsel for the Applicant and Mrs. Anju Singh, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p><u>M.A Nos. 365 and 366 of 2017</u></p> <p>Present case was dismissed for default vide order dated 22.12.2016.</p> <p>The office has reported that the restoration Application has been filed with delay of 26 days.</p> <p>We have heard learned counsel for the Applicant on M.A.Nos. 365 and 366 of 2017.</p> <p>Having heard learned counsel for the Applicant, the delay in filing the restoration Application is condoned.</p> <p>We have also heard the learned counsel for the Applicant on restoration Application.</p> <p>Having heard learned counsel for the Applicant, we are convinced that the absence on the date has been fully explained.</p> <p>Hence Application for restoration is allowed and the case is ordered to be restored to its original number subject to payment of cost of Rs 500/-. The cost shall be deposited within a week.</p>

On deposit of cost, the same shall be remitted to the account of Local Bar Association for being utilised for upgradation of its library etc.

List this case on 06.04.2017 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)

EX-A. No. 60 of 2013 In re O.A. No. 419 of 2011

Satya Narayan Singh & ORs 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>20.03.2017</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 Parijaat Belaura, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>Ex. A. No 60 of 2013.</u></p> <p>It is informed across the bar by learned counsel for the respondents that in the instant case PPO has already been issued and copy supplied to learned counsel for the Applicant in compliance of the order of the Tribunal dated 10.01.2012. It is further informed that the Applicant has also received payment pursuant thereto.</p> <p>In view of the above, the Ex Application aforesaid is rendered infructuous and is accordingly rejected as having become infructuous.</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. 2480 of 2016 with M.A. No. 196 of 2017 & M.A. No. 414 of 2017
In re O.A. No. Nil of 2016

Gaganjot Kaur

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>20.03.2017</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: Major (Retd) R. D. Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents, assisted by Major Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A No 2480 of 2016</u></p> <p>Office has reported that there is delay of 2 years two months and 3 days in filing of the O.A challenging the order dated 03.03.2014. Learned counsel for the respondents has objected to condonation of delay submitting that it militates against the provisions of section 22 of the Act further submitting that the letters dated 02.10.2015, 08.02.2016 and 29.07.2016 would not infuse any fresh cause of action.</p> <p>Having heard learned counsel for the parties, we are of the view that regard being had to the settled principles that if the claim is based on a continuing wrong, relief can be granted if such continuing wrong creates a continuing source of injury. The claim for maintenance itself is a recurring cause of action and the delay that has occurred in filing the O.A is liable to be condoned. It is accordingly condoned.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks next thereafter.</p>

Learned counsel for the Applicant seeks issuance of notice to respondents 5 to 8.

In our view, it would suffice if notice is issued to respondent no. 5 to the exclusion of respondents 6 to 8.

List this case on 23.05.2017 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)

O.A. No. 97 of 2015 Alongwith O.A. No. 98 of 2015
& M.A. No. 1018 of 2016

Deb 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>20.03.2017</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 applicant and Shri Amit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List this case on 20.04.2017 for further hearing.</p> <p>On the next date, original record shall be produced in order to establish that there was drop in the medical category during extended period of service.</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. 169 of 2015

Chanchal Kakoti 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>20.03.2017</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 Parijaat Belaura, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>In the instant case the Applicant is aggrieved by the order granting maintenance to respondent no 6 by the impugned order dated 25.05.2014.</p> <p>The controversy in the instant case lies in a short compass and it is that a show cause dated 19.02.2015 as contained in Annexure 3 to the O.A was served on the Applicant seeking his reply as to why maintenance be not granted in accordance with section 91 (1) of the Army Act 1950. In response to the show cause notice aforesaid, it is submitted; reply was submitted on 10.04.2015 a copy of which has been annexed as Annexure no 5 to the O.A. A perusal of the reply submitted by the Applicant indicates that the Applicant had raised objection with regard to grant of maintenance to respondent no 6 by specifically raising certain question as is evident from paras 8 and 9 of the reply submitted by him. A perusal of the impugned order dated 25.05.2014 evinces that there is not an iota of whisper with</p>

regard to reply submitted by the Applicant. Our attention has been drawn by the learned counsel for the Applicant to one startling fact that though show cause notice bears the date 19.02.2015 and reply submitted by the Applicant is dated 10.04.2015 while the impugned order passed bears the date 25.05.2014.

Learned counsel for the respondents repudiated the submission stating that the date of impugned order is in fact 25.05.2015 and due to inadvertent clerical mistake, it is mentioned as 25.05.2014. The repudiation of learned counsel for the respondents is not substantiated inasmuch as the impugned order does not contain any reference to reply submitted by the Applicant. It is a matter of common knowledge that whenever an authority serves a show cause notice and reply is submitted, it is always incumbent on such authority to look into the reply submitted and while taking contrary decision to the ground given in reply submitted by a person, it shall be necessary to discuss the materials and assign reason while taking contrary view.

In the present case, the order is to all appearances, non speaking and is also not supported with reasons. It is well settled proposition of law that passing a reasoned order is the very pulse beat of Indian Constitution.

In view of the above, we are of the view that while passing the impugned order with regard to grant of maintenance, the Commanding officer or for matter of that, the competent authority has not applied its mind and granted the maintenance mechanically which in our view, is not sustainable being hit by Article 14 of the Constitution of India.

As a result of foregoing discussion, O.A deserves to be allowed and is accordingly allowed and in consequence, the impugned order dated 25.05.2014/25.05.2015 is set aside. The matter is relegated to the competent authority to

consider the matter all over again and pass a fresh speaking and reasoned order keeping in view the reply dated 10.04.2015 submitted by the Applicant. Needless to say, the fresh order shall be passed expeditiously within two months from today.

However, the maintenance already paid to the respondent no. 6 shall not be recoverable and henceforth payment of maintenance shall be subject to the fresh orders that may be passed by the competent authority.

It is however clarified that none of the observations made in the body shall be construed to be observation based on merit as we have not entered into merit of the case with regard to entitlement of respondent no. 6 for grant of maintenance.

(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)

O.A. No. 189 of 2015

Hav Pramod 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>20.03.2017</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. Verma 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>Counsel for the respondents 7 and 8 is not present inspite of the fact that on the earlier date, power was filed by him on behalf of the respondents 7 and 8 and date for today was fixed in his presence.</p> <p>In view of the above, the case is ordered to be proceeded exparte against respondents 7 and 8.</p> <p>List this case on 27.03.2017 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)

O.A. No. 269 of 2015

Radhe Shyam Sharma 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>20.03.2017</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>As prayed, three weeks' further time is allowed to file supplementary rejoinder affidavit.</p> <p>List this case on 03.05.2017 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)

T.A. No. 635 of 2010

Anil Joshi

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>20.03.2017</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 Namit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Learned counsel or the respondents do not seem to be prepared with the case and could not answer to the several queries posed to him.</p> <p>In view of the above, the case is ordered to be adjourned and is directed to be listed for hearing on 23.03.2017 on which learned counsel for the respondents shall come prepared to 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)

T.A. No. 107 of 2011

Lekh Raj 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>20.03.2017</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 Md. Zafar Khan, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Counsel for the petitioner is granted a week's time to file amended copy of the O.A. Counter affidavit to amended O.A may be filed within two weeks. Rejoinder affidavit, if any, may be filed within one week next thereafter.</p> <p>List this case peremptorily for hearing on 17.04.2017.</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>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. 452 of 2017 with M.A. No. 453 of 2017
In re T.A. No 118 of 2012

<p>Union of India & Others By Legal Practitioner for the Petitioner</p>	<p>Petitioner</p>
Versus	
<p>Smt. Sabuli Devi By Legal Practitioner for Respondents</p>	<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><u>10.03.2017</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 Jaiswal, learned counsel for the petitioner, assisted by Maj Soma John, OIC Legal Cell and Shri Shailendra Kumar Singh, learned counsel for the respondents.</p> <p style="text-align: center;"><u>M.A.No 452 of 2017</u></p> <p>This is an Application under section 30 (1) of the Armed Forces Tribunal Act seeing leave to appeal vis-à-vis the order of the Tribunal dated 27.07.2016.</p> <p>According to the office report, the Application for leave to Appeal has been moved after expiry of statutory period, it being barred by five months and twenty eight days.</p> <p>It is well settled that the Tribunal lacks jurisdiction to condone the delay for want of any enabling provisions in the Armed Forces Tribunal Act, 2007. Hence the Application for condonation of delay is not maintainable and is rejected.</p> <p style="text-align: center;"><u>M.A.No.453 of 2017</u></p> <p>Since Application for condonation of delay has been rejected as not maintainable being barred by time, in consequence, the Application for leave to appeal is also rejected.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>(Air Marshal Anil Chopra) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice D.P. Singh) Member (J)</p> </div> </div>

MH

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

T.A. No. 18 of 2016

Balram 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>10.03.2017</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 Yogesh Kesarwani, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>A prayer has been made on behalf of learned counsel for the Applicant for adjournment of the case.</p> <p>As prayed, list this case on 20.04.2017 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. 246 of 2016 with R.A. No. 102 of 2016
In re O.A. No. 299 of 2011

Vishal Singh Chauhan 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>10.03.2017</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 Virat Anand Singh, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed, two weeks' further time is granted to file objection to the Application for condonation of delay. Replication, 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)

EX-A. No. 12 of 2017 In re O.A. No. 339 of 2015

Rajender 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>10.03.2017</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 Namit Sharma, as one of the counsel for the respondents is taken on record. Let his name be also shown as one of the counsel for the respondents when the case is next listed.</p> <p>Present : Shri A.K. Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, and Shri Namit Sharma, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>In compliance of the earlier order, cost of Rs 25000/- has not yet been deposited. Learned counsel for the respondents assured that the cost would be deposited today itself.</p> <p>It is informed by learned counsel for the respondents that in compliance of the order of the Tribunal, the Government has accorded sanctioned and only PPO remains to be issued.</p> <p>In view of the above, the case is adjourned and is directed to be listed on 13.04.2017 for orders in order to enable learned counsel for the respondents to produce the medical opinion as well as copy of the PPO so issued in compliance of the order of the Tribunal.</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. 903 of 2016 with M.A. No. 904 of 2016 & M.A. No. 290 of 2017
In re O.A. No. 237 of 2011

Vijay Shanker 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>10.03.2017</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 G.S. Sikarwar, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>. This is an Application by the Applicant for withdrawal of power from his present counsel namely, Shri Virat Anand Singh as he wants to engage another counsel namely Shri Sudhir Kumar Singh. Shri Virat Anand Singh is present in court and he has no objection to it.</p> <p>In view of the above, the Application is allowed and is directed that the office shall delete the name of Shri Virat Anand Singh as counsel for the Applicant from the record and in his place the name of Shri Sudhir Kumar Singh shall be printed as counsel for the Applicant who has filed power on behalf of the Applicant.</p> <p>Shri Sudhir Kumar Singh counsel for the Applicant prays for time to prepare the case.</p> <p>As prayed list this case on 07.04.2017 for orders.</p> <p>On the date fixed, parties shall file chart of dates and events and compilation of case laws which they propose to rely upon in support of their respective contentions.</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. 164 of 2013 with M.A. No. 2548 of 2016
In re O.A. No. Nil of 2016

Warrant Officer Shashi Kant Chaturvedi
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>10.03.2017</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: Applicant in person and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Applicant appeared in person and prayed for arguing the case himself.</p> <p>In view of the above, the name of the counsel for the Applicant shall be deleted and the Applicant shall be shown as appearing in person in the list.</p> <p>Learned counsel for the respondents informs that amendment Application is also pending disposal.</p> <p>The amendment Application shall be taken up for disposal on the date fixed.</p> <p>List this case on 18.04.2017 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)

T.A. No. 887 of 2010

Niranjan 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>10.03.2017</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 in court today by Shri Rajiv Pandey as counsel for the respondents is taken on record. Let his name be shown in the list when the case is next listed.</p> <p>Present : Shri Yash Pal Singh, learned counsel for the petitioner and Shri Rajiv Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell</p> <p>This case has been received by transfer from Jabalpur Regional Bench.</p> <p>Learned counsel for the petitioner prays for time to prepare the case.</p> <p>In view of the above, the case is ordered to be on 17.04.2017 for hearing.</p> <p>The chart of dates and events and compilation of case laws which the learned counsel for the parties propose to rely upon shall be filed on the date fixed 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)

O.A. No. 253 of 2012

Krishna Kumar Thakur

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>10.03.2017</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: Applicant in person and Shri D.K. Pandey, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Applicant appeared in person praying for adjournment of the case on the ground that his counsel being ill, has not attended the Court today.</p> <p>In view of the above, the case is ordered to be listed on 19.04.2017 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. 41 of 2015

Parmjit 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>10.03.2017</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>In the course of hearing of this case, a crucial point was canvassed for consideration that the child is alleged to have been molested in the presence of father and mother which according to learned counsel for the Applicant, is not probable particularly when the father was present keeping close watch over his child from the other hand of the tunnel. The learned counsel prays that the interest of justice would be best attained, if the Court is pleased to visit the place of occurrence.</p> <p>Learned counsel for the respondents feebly submits that Court Martial gave the verdict after thoroughly inspecting the place of occurrence.</p> <p>Accordingly, we propose to visit the place of occurrence on 08.04.2017 at 12.30 hours. At the time of visit, counsel for both the parties shall be present on the aforesaid date and time alongwith OIC Legal Cell.</p> <p>Be that as it may, Registrar/Joint Registrar of the Tribunal shall take necessary steps to facilitate the visit of the Court to the place of occurrence on the aforesaid date and time including the step of arranging vehicle for the visit.</p>

OIC Legal Cell shall also take necessary steps and make necessary arrangement on the part of Local Unit of the Army to facilitate inspection of the place of occurrence.

Thereafter, the case shall be listed for further hearing on 21.04.2017.

(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)

O.A.(A) No. 314 of 2015 along with M.A. No. 457 of 2017

Shiv Ram 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>10.03.2017</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 applicant 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. 457 of 2017</u></p> <p>Application filed by the respondents for striking down certain relief is taken on record.</p> <p>After hearing Ld. Counsel for the parties, we propose to decide said application on merits while adjudicating the controversy finally.</p> <p style="text-align: center;"><u>O.A.(A) No. 314 of 2015</u></p> <p>As prayed by Ld. Counsel for the applicant, list the case on 30.03.2017 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)

T.A. No. 753 of 2010

K.P. Mishra

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>10.03.2017</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. Pandey, Ld. Counsel for the Petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Wd Cdr Sardul Singh, OIC Legal Cell.</p> <p>A statement has been made by OIC, Legal Cell that Air Force Instructions (AFI) and Regulations are not statutory in nature which could have been substituted by subsequent Air Force Orders and Policy and it would imply amendment of earlier existing AFI.</p> <p>Ld. Counsel for the petitioner prays for time to advance arguments on the point.</p> <p>As prayed, list the case on 13.04.2017 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>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. 69 of 2013

Smt. Omi Devi W/o Col Dayanand
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>10.03.2017</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) R.N. Singh and Col (Retd) Rakesh Johri, 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>List the case on 27.03.2017 for further hearing.</p> <p>On the next date of listing, Ld. Counsel for the respondents shall produce the entire record including appellate order of Chief of the Army Staff as well as statutory complaint submitted by the petitioner against the impugned punishment awarded by the Court Martial.</p> <p>The respondents shall also 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)

O.A. No. 123 of 2010

Durgawati 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>10.03.2017</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 G.S. Sikarwar, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the applicant, list the case 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>anb</p>

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

O.A. No. 248 of 2011

Mohd Arif

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>10.03.2017</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 applicant and Mrs. Amrita Chakraborty, Ld. Counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>A statement has been made by OIC, Legal Cell that Air Force Instructions (AFI) and Regulations are not statutory in nature, as such, the same could have been substituted by subsequent Air Force Orders and Policy and it would imply amendment of earlier existing AFI.</p> <p>Ld. Counsel for the petitioner prays for time to advance arguments on this point.</p> <p>As prayed, list the case on 13.04.2017 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>anb</p>

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

O.A. No. 126 of 2012 with M.A. No. 2114 of 2015

Smt. Uma Patel & Others Applicant
By Legal Practitioner for the Applicant

Versus

Commanding Officer 38 Med Regt Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.03.2017</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 Yashovardhan Swaroop and Shri R.K. 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>Heard Shri Yashovardhan Swaroop, Ld. Counsel for the applicant and Shri Asheesh Agnigotri, Ld. Counsel for the respondents at some length.</p> <p>As prayed, list the case on 24.03.2017 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)

O.A. No. 127 of 2012 with M.A. No. 2115 of 2015

Gautam Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Commanding Officer 38 Med Regt

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.03.2017</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 Yashovardhan Swaroop and Shri R.K. 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>Heard Shri Yashovardhan Swaroop, Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents at some length.</p> <p>As prayed, list the case on 24.03.2017 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)

T.A. No. 888 of 2010

Ranbir 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>10.03.2017</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, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>On request made by Ld. Counsel for the petitioner, the case is passed over for the day.</p> <p>List the case on 17.04.2017 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)

T.A. No. 94 of 2016

Sunil Kumar

By Legal Practitioner for the Petitioner

Petitioner

Versus

The Commanding Officer, 38 Med Regt & Ors

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.03.2017</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 Yashovardhan Swaroop, 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>Heard Shri Yashovardhan Swaroop, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents at some length.</p> <p>As prayed, list the case on 24.03.2017 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)

T.A. No. 95 of 2016

Baljit 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>10.03.2017</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 Yashovardhan Swaroop, Ld. Counsel for the petitioner and Shri Rajiv Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Shri Yashovardhan Swaroop, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents at some length.</p> <p>As prayed, list the case on 24.03.2017 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>