

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

M.A. No. 883 of 2017 In re O.A. No. (Nil) of 2017

Anuj 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>24.05.2017</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 Kaushik Chatterji 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, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>We have heard learned counsel for the Applicant as also learned counsel for the respondents on the Application for Condonation of Delay as well as on admission.</p> <p>It is submitted by the learned counsel for the Applicant that the Applicant has been languishing in jail for the last 11 months on account of conviction recorded as a consequence of the Court Martial proceeding and it was for this reason that he could not prefer any statutory appeal as provided under section 164 of the Army Act. Learned counsel for the respondents does not propose to file any objection.</p> <p>In view of the above, we are of the view that the cause shown for delay is sufficient. Hence Application for condonation of delay (M.A. No 883 of 2017) is allowed and delay in filing the O.A is condoned.</p>

At this stage, a preliminary objection has been agitated by learned counsel for the respondents that the Applicant has not availed of the remedy of appeal as envisaged in section 164 of the Army Act and hastened to rush to this Tribunal by filing the above O.A.

Keeping in view of the aforesaid objection, it is provided that in case Applicant prefers a statutory appeal within one month from today, the appellate authority shall decide the same within two months from the date of receipt of statutory appeal at his end in accordance with law by passing a reasoned and speaking order with due communication to the Applicant.

It shall be open to the Applicant to submit copy of the present O.A alongwith the statutory appeal and the appellate authority shall look into the grounds raised by the Applicant in the present O.A while discharging the statutory obligations and deciding the appeal.

With the consent of the parties, we dispose of the O.A finally at the very threshold in terms of the above directions.

Let a copy of this order be supplied to the OIC Legal Cell for onward transmission within two days.

(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.167 of 2017

Dilip Kumar 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>24.05.2017</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 V.P.S.Vats 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 S.G. Singh, Ld. Counsel for the applicant and Shri V.P.S.Vats, Ld. Counsel for the respondents, assisted by Maj. Soma John, OIC Legal Cell.</p> <p>The grievance of the Applicant is that inspite of the fact that he was empanelled for promotion to the post of Subedar Major and the Selection Committee (Annexure 2) expressed the opinion for extension of service of the Applicant till 2010, he has been discharged from service by the impugned order dated 15.02.2017.</p> <p>List this case on 29.05.2017 in order to enable learned counsel for the respondents to receive instructions and show cause why the O.A may not be admitted.</p> <p>On the date fixed, the respondents shall also produce the original record 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. 169 of 2017

Lt Col Bhupendra Dhapade
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>24.05.2017</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 Harshvardhan, Ld. Counsel for the applicant and Maj Soma John, OIC Legal Cell for the respondents.</p> <p>It is submitted by learned counsel for the Applicant that court of inquiry against the Applicant was held as far back as in December 2015, and thereafter, he was attached without taking any work from him for disciplinary proceedings since Nov 2016, although salary has been paid to him regularly. It is also submitted that the Applicant was attached on 07.11.2016 for Summary of Evidence but till date summary of evidence has not been recorded.</p> <p>No doubt, attachment without work offends the Applicant status and dignity that too when no disciplinary proceeding has been initiated for the last six months. In our view, prima facie, case is made out for admission.</p> <p style="text-align: center;">Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List this case on 06.07.2017 for hearing.</p> <p style="text-align: center;">Needless to say, the respondents shall produce the entire</p>

original record pertaining to the Applicant for perusal of the Bench.

At this stage, learned counsel for the respondents that although O.A has been admitted, but he should be granted leeway to argue on admissibility of the O.A. while filing counter affidavit. Of course, it shall be open for the respondents to raise the question with regard to maintainability of the O.A while filing counter affidavit.

It is also made clear that the allegations of bias and malafides against the private respondents may also be looked into on the next date of listing for the purposes of issuance of notice.

Let a copy of this order be supplied to OIC Legal Cell forthwith to enable her for its onward transmission to the authorities concerned for compliance.

(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. 61 of 2017 In re O.A. No. 320 of 2012

Mahesh Chandra (Deceased)
Through Widow Smt. Kamla 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>24.05.2017</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. Gupta, 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>The matter pertaining to O.A No 320 of 2012 has come up by way of Execution Application whereby the grouse made is that the order of the Tribunal dated 22.08.2012 has not yet been observed in compliance by the authorities.</p> <p>List this case on 30.05.2017 in order to enable learned counsel for the respondents to receive instructions to show cause why the order of the Tribunal dated 22.08.2012 has not yet been complied with more-so when the matter has been settled by the Apex Court long back.</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. 81 of 2017 In re T.A. No. 2 of 2015

Chattar 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>24.05.2017</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 B.P.Singh 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 M.R. Gupta, Ld. Counsel for the petitioner and Shri B.P.Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The Applicant has filed the instant Execution Application with the grievance that the order of the Tribunal dated 17.01.2017 which was directed to be observed in compliance within four months.</p> <p>As prayed by learned counsel for the respondents, four weeks' time is allowed to show cause why the order of the Tribunal has not been complied with within the stipulated period as mentioned in the order of the Tribunal.</p> <p>List this case on 07.07.2017 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)

M.A. No. 875 of 2017 With M.A. No. 876 of 2017
In re O.A (A) No. 285 of 2014

BB Chaudhari
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>24.05.2017</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 B.B.Chaudhary, Ld. Counsel for the applicant.</p> <p style="text-align: center;"><u>M.A.No 875 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 28.11.2016.</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 four months and twenty two 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>

M.A.No.876 of 2017

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.

(Air Marshal Anil Chopra)
Member (A)

MH/-

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

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

O.A. No. 123 of 2017

Vijay 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>24.05.2017</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 Krishna Kumar Seth, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents, assisted by Wg Cdr Sadrul Singh, OIC Legal Cell.</p> <p style="text-align: center;">As prayed, four weeks further time is allowed to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List this case on 11.08.2017 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)

M.A. No. 471 of 2017 In re O.A. (A) No. 167 of 2014

Govind Singh Bisht
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>24.05.2017</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 P.N. Chaturvedi, 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;">This is an Application for recall of order dated 20.02.2017 whereby the O.A was dismissed for default.</p> <p style="text-align: center;">Explaining the delay, it is submitted by the learned counsel for the Applicant that since he was bed ridden, Application for recall could not be filed earlier.</p> <p style="text-align: center;">Cause shown is sufficient.</p> <p style="text-align: center;">The Application for recall (M.A.No 471 of 2017) is allowed and the order dated 20.02.2017 is recalled of course subject to payment of cost which we quantify at Rs 500/-. The cost shall be deposited with the Registry of the Tribunal within a week. On receipt of the cost, the same shall be remitted to the account of Local Bar Association, AFT Regional Bench Lucknow for being utilised for up-gradation of its Library.</p>

The **O.A** is ordered to be restored to its original number.

As prayed by learned counsel for the respondents, four weeks' time is allowed to file counter affidavit. Rejoinder affidavit, if any, may be filed within four weeks next thereafter.

List this case for hearing on 26.07.2017.

(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)

M.A. No. 699 of 2017 With R.A. No. 18 of 2017
In re O.A. No. 137 of 2014

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Sunder Singh
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Dr. Gyan Singh, Ld. Counsel for the applicants assisted by Maj Soma John, OIC Legal Cell and Shri Lalit Kumar, Ld. Counsel for the respondent.</p> <p>It is a Review Application preferred by the Union of India against the decision of this Tribunal dated 14.02.2017 rendered in O.A.No137 of 2014.</p> <p>The learned counsel began his argument submitting that he could not bring certain facts to the notice of the Court as the same were divulged to him at a subsequent stage after the decision of the Tribunal.</p> <p>The review petition is entertained within a very narrow scope.</p> <p>Learned counsel for the Applicant prays for a day's time to prepare the case.</p> <p>List this case on 26.05.2017 for arguments.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>MH/-</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

O.A. No. 266 of 2011

Chand Pati
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>24.05.2017</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 Dharmesh Sinha, 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>It is informed that the Applicant is agreeable to amicable settlement.</p> <p>In view of the above, we appoint Shri Sunil Sharma who happens to be trained Mediator, to mediate between the parties and prepare the mediation report in terms of consensus between the parties.</p> <p>The mediation report shall be submitted for perusal of the Bench on 05.07.2017.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(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. 247 of 2015

Meera Devi
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>24.05.2017</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 Sharad Nandan Ojha, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Four weeks' further time is allowed to file counter affidavit as prayed by learned counsel for the respondents.</p> <p style="text-align: center;">Rejoinder affidavit, if any, may be filed within four weeks next thereafter.</p> <p style="text-align: center;">List this case on 11.08.2017 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. 302 of 2011

Brijendra Kumar 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>24.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Affidavit filed by learned counsel for the Applicant is taken on record. Response if any may be filed within two weeks.</p> <p>List this case on 05.07.2017 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. 385 of 2011

Sharma Naresh 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>24.05.2017</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.K. Nigam, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Amendment Application filed by the Applicant is taken on record. Replication to it, if any, may be filed within four weeks.</p> <p style="text-align: center;">List this case on 06.07.2017 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)

M.A. No. 500 of 2016 With M.A. No. 501 of 2016, M.A. No. 513 of 2016
M.A. No. 677 of 2016 & M.A. No. 678 of 2016 In re O.A. No.76 of 2012

Krishna Dev 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>23.05.2017</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 : None 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;">Case called out in revised list but there is no appearance for the Applicant.</p> <p style="text-align: center;">The case is dismissed for want of prosecution.</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)

T.A. No. 9 of 2015

Shamsul Waris 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>23.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Vakalatnama filed today in court by Shri V.K.Pandey as one of the counsel for the Petitioner is taken on record. Let his name be shown as counsel for the Petitioner alongwith Shri Ashok Kumar Advocate when the case is next listed.</p> <p>Present : Shri V.K.Pandey and Shri Ashok Kumar, Ld. Counsel for the petitioner and Shri R.K.S. Chauhan, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Learned counsel for the petitioner pray for and are granted four weeks' time to file supplementary rejoinder affidavit.</p> <p>List this case for hearing on 12.07.2017.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p> <p>MH/-</p>

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

T.A. No. 15 of 2017 Along With M.A. No. 845 of 2017
With M.A. No. 859 of 2017

Bhupendra Singh Bhadauria
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>23.05.2017</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, Ld. Counsel for the petitioner and Ms Appoli Shrivastava, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Order dated 22.09.2016 is recalled subject to payment of Rs 500/- which shall be remitted to Bar Association of Armed Forces Tribunal, Regional Bench, Lucknow.</p> <p>Ld. Counsel for the respondents is granted four weeks' time to file counter affidavit. Ld. Counsel for the petitioner may file rejoinder affidavit within next four weeks.</p> <p>Original record of GCM shall also be summoned and produced on the date fixed.</p> <p>Application for bail shall be considered on the next date of listing.</p> <p>In the meantime respondents shall also file objection on bail application/suspension of sentence.</p> <p>List the case on 27.07.2017 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
{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 & ORs
By Legal Practitioner for the Applicants

Applicants

Versus

Commanding Officer 38 Med Regt
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2017</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 applicants and Shri Asheesh Agnihotri, Ld. Counsel for the respondent, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Shri Asheesh Agnihotri, Ld. Counsel for the respondents is not well prepared with the case.</p> <p>List the case on 24.05.2017 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>Jpt</small></p>

Form No. 4
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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
By Legal Practitioner for the Applicant

Applicant

Versus

Commanding Officer, 38 Med Regt
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2017</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 Yashovardhan Swaroop, Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Ld. Counsel for the respondents, list the case on 24.05.2017 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left; font-size: small;">Jpt</p>

Form No. 4
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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>23.05.2017</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>As prayed by Ld. Counsel for the respondents, list the case on 24.05.2017 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

T.A. No. 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>23.05.2017</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 applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the respondents, list the case on 24.05.2017 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

T.A. No. 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>23.05.2017</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 by Shri S.K. Singh as Ld. Counsel for the respondents is taken on record. His name shall be shown in the next cause list.</p> <p>Present : None for the petitioner and Shri S.K. Singh, Ld. Counsel, assisted by Shri Virendra Singh for the respondents as well as Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the respondents, list the case on 25.05.2017 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

T.A. No. 633 of 2010 Along With T.A. No. 572 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>23.05.2017</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 Md Zafar Khan, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel Shri V.K. Pandey holding brief for Shri Rohit Kumar submits that Shri Rohit Kumar, Ld. Counsel for the petitioner is out of station.</p> <p>As prayed, list the case on 25.05.2017 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left; font-size: small;">Jpt</p>

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

EX-A No. 181 of 2016 With M.A. No 2545 of 2016
& M.A. No. 861 of 2017 In re O.A. No. 81 of 2010

Achche Lal
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>23.05.2017</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 applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As agreed by Ld. Counsel for the parties, list the case on 30.06.2017 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 style="text-align: left; font-size: small;">Jpt</p>

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

O.A. No. 106 of 2013

Mahabir 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>23.05.2017</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 applicant and Shri Siddharth Dhaon, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Parties counsel shall prepare a paper book with four copies in identical term and shall submit two copies to the Bench within a period of two months. Registry is further directed to ensure in all cases where appeal has been preferred under Section 15 of the Armed Forces Tribunal Act, 2007, the appellant's counsel may be asked to prepare a paper book to submit it the same at the time of filing of appeal or thereafter.</p> <p style="text-align: center;">Registry shall verify the genuineness of paper book from the original record.</p> <p style="text-align: center;">Army shall also after admission of appeal forward the original record of the Court Martial to the Registry, which may be looked into during course of hearing.</p> <p style="text-align: center;">List the case on 18.07.2017 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 style="text-align: left; font-size: small;">Jpt</p>

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

O.A. No. 188 of 2013

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>23.05.2017</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 : Ld. Counsel Shri Ashish Kumar Srivastava holding brief for Shri S.S. Rajawat, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p>Shri S.S. Rajawat, Ld. Counsel for the applicant is reported to be out of station.</p> <p>List the case on 20.07.2017 for hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: right;">(Justice D.P. Singh) Member (J)</p> <p><small>Jpt</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. 116 of 2009

Hamida Bano & Mohd. Firozuddin
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>23.05.2017</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, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Maj (Retd) R.D. Singh, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell and perused the records.</p> <p>Order is 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><small>Jpt</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. 595 of 2010 with M.A. 2054 of 2015

Vijay Keshav 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>23.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the petitioner and Shri Anurag Mishra, Ld. Counsel for the respondents, assisted by Maj. Soma John, OIC Legal Cell.</p> <p>Objection filed by Ld. Counsel for the respondents is taken on record. Ld. Counsel for the petitioner shall file replication within four weeks.</p> <p>List the case on 30.06.2017 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>Jpt</p>

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

T.A. No. 35 of 2011

Union of India & Others

Applicant-respondents

By Legal Practitioner for the Applicant-respondents

Versus

Sanjay Kumar Singh

Respondent-petitioner

By Legal Practitioner for Respondent-petitioner

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2017</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 Soma John, OIC Legal Cell for the respondents and Shri Yaspal Singh, Ld. Counsel for the respondent-petitioner.</p> <p>OIC Legal Cell submits that Shri Yogesh Kesarwani, Ld. Counsel for the applicant-respondents is reported to be out of station.</p> <p>List the case on 07.07.2017 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><small>Jpt</small></p>

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

O.A. No. 215 of 2016

Aman Kumar 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>23.05.2017</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 Manish Mishra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">Original Application No. 215 of 2016 is allowed.</p> <p style="text-align: center;">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 style="text-align: left; font-size: small;">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. 864 of 2017 In re O.A. No. (Nil) of 2017

Bhopal 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>23.05.2017</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;">Memo of appearance filed today by Dr. Shailendra Sharma Atal is taken on record. His name shall be shown in the cause list as counsel for respondents.</p> <p style="text-align: center;">Present : Shri Sudhir Kumar Singh, 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 respondents, six weeks' time is granted to file objection to application for condonation of delay. Applicant shall have two weeks' thereafter to file replication.</p> <p style="text-align: center;">List the case on 18.08.2017 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><small>anb</small></p>

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

M.A. No. 869 of 2017 In re O.A. No. (Nil) of 2017

Dhananjay Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.05.2017</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 by Ms. Appoli Srivastava is taken on record. Her name shall be shown in the cause list as counsel for respondents.</p> <p>Present : Col (Retd) Y.R. Sharma, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the respondents, six weeks' time is granted to file objection to application for condonation of delay. Applicant shall have two weeks' thereafter to file replication.</p> <p>List the case on 23.08.2017 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><small>anb</small></p>

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

M.A. No. 872 of 2017 with M.A. No. 873 of 2017
In re R.A. No. 119 of 2016 & M.A. No. 256 of 2015

Radhey Shyam
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>23.05.2017</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 Ashok Kumar, Ld. Counsel for the applicant.</p> <p style="text-align: center;"><u>M.A. No. 872 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. 873 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>anb</p>

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

EX-A No. 65 of 2017 In re O.A. No. 303 of 2013
along with M.A. No. 886 of 2017

Girish 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>23.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Compliance report filed by Shri Amit Sharma, Ld. Counsel for the respondents is taken on record, according to which PPO has been issued.</p> <p>Accordingly, the Bank concerned is directed to release the amount in terms of the PPO in favour of the applicant expeditiously, say, within a period of one month from the date of production of a certified copy of this order.</p> <p>It has been argued by Shri P.N. Chaturvedi, Ld. Counsel for the applicant that in spite of order of the Tribunal dated 05.10.2015, the applicant has not been promoted with retrospective effect on the rank of Subedar. Operative portion of order dated 05.10.2015 is reproduced hereunder:</p> <p style="text-align: center;"><i>“8. Accordingly, the impugned order dated 27.08.2013 (Annexure A-1 (v) to the O.A.) is set aside with consequential benefits. The applicant shall be entitled to 50% of salary payable to him upto extended period of service i.e. 25.07.2014 with all consequential pensionary benefits within three months from the date of production of a certified copy of this order.”</i></p>

A plain reading of the above quoted operative portion of the order (supra) indicates that the Tribunal has not passed order to promote the applicant to the next higher rank of the rank which the applicant was holding at the time of discharge. This fact is also evident from the fact that the Tribunal has denied 50% salary and directed the respondents to pay only 50% salary of the rank which the applicant was holding at the time of discharge.

Accordingly, we feel that the order of the Tribunal has been complied with. For any other grievance, it shall be open to the applicant to approach appropriate forum, if advised.

Subject to above, the Execution Application is rejected as infructuous.

(Air Marshal Anil Chopra)
Member (A)

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

anb

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

M.A. No. 1906 of 2015 With M.A. No. 35 of 2017
In re O.A No. (Nil) of 2015

Neeraj Bhatt Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	<p style="text-align: center;">Orders of the Tribunal</p> <p><u>23.05.2017</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>M.A. No. 1906 of 2015</u></p> <p>This is an application for condonation of delay. The applicant was enrolled in the Indian Army on 28.09.2001 and discharged on 31.12.2008. It appears that a number of representations were submitted against the order of discharge and ultimately representation was decided by impugned order dated 23.04.2015. While deciding the representation, the competent authority recorded findings on merit and did not reject the same on the ground of delay or laches.</p> <p>Accordingly, so far as delay in preferring the O.A. is concerned, it shall be looked into from 23.04.2015. The applicant has preferred the O.A. on 30.09.2015. i.e. within period of six months in terms of Section 22 of the Armed Forces Tribunal Act, 2007.</p> <p>Thus, there appears to be no delay in preferring the O.A, Even otherwise, sufficient cause has been shown.</p> <p>Subject to our observations made herein above, we allow the M.A. and condone the delay in preferring the O.A.</p> <p>The matter requires hearing.</p> <p>Admit.</p> <p>Respondents are granted six weeks' time to file counter affidavit. Applicant may rejoiner affidavit within next two weeks.</p> <p>List the case on 25.08.2017 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>
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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

M.A. No. 1770 of 2016 With M.A. No. 2342 of 2016
In re O.A. No. (Nil) of 2016

Amar 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>23.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Anand Yadav, Advocate holding brief of Shri S.G. Singh, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Shri Anand Yadav, Advocate prays for further time to prepare the case.</p> <p>As prayed, list the case on 21.07.2017 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><small>anb</small></p>

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

M.A. No. 2171 of 2016 With M.A. No. 2172 of 2016
In re O.A. No. 37 of 2012

Salil Chandra Jagdev
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>23.05.2017</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 Virat Anand 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;">Ld. Counsel for the applicant has not filed replication to objection filed by Ld. Counsel for the respondents.</p> <p style="text-align: center;">As prayed, four weeks' further time is granted to file replication.</p> <p style="text-align: center;">List the case on 20.07.2017 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><small>anb</small></p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

M.A. No. 2758 of 2016 In re O.A. No. (Nil) of 2016

Mohd. Yunus 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>23.05.2017</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, Ld. Counsel for the applicant and Ms Appoli Shrivastava, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Objection filed by Ld. Counsel for the respondents is taken on record.</p> <p>Replication may be filed by applicant within four weeks.</p> <p>List the case on 22.07.2017 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p><small>anb</small></p>

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

O.A. No. 234 of 2016 With M.A. No 2720 of 2016,
M.A. No. 447 of 2017 & M.A. No. 852 of 2017

Chandra Prakash
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>23.05.2017</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 Veer Raghav Chaubey, 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 style="text-align: center;">Affidavits have been exchanged.</p> <p style="text-align: center;">List the case on 16.08.2017 for hearing.</p> <p style="text-align: center;">On the date fixed, Ld. Counsel for the Respondents shall produce the original records in terms of earlier orders 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 style="text-align: left;"><small>anb</small></p>

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

O.A. No. 95 of 2017

Gaganjot Kaur

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>23.05.2017</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, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel representing Union of India prays for and is granted four weeks' further time to file counter affidavit. While filing counter affidavit, respondents shall explain why maintenance allowance has not been paid to the applicant.</p> <p>Applicant shall have four weeks' thereafter to file rejoinder affidavit.</p> <p>List the case on 04.08.2017 for orders.</p> <p>According to Office report, notice was sent to private respondent no. 5. In view of elapse of 30 days, it shall be deemed to be served.</p> <p>Accordingly, we proceed ex parte against respondent no. 5</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)

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

Ram Kishor Dwivedi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, 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>It is informed that in compliance of the order of the Court, sanction has been granted by the Government of India. However, PPO has not been issued as yet.</p> <p>As prayed by learned counsel for Union of India, the case is directed to be listed on 30.06.2017 in order to enable the learned counsel for the respondents to produce the PPO in Court.</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. 2034 of 2016 With M.A. No. 2499 of 2016
In re O.A. No. (Nil) of 2016

Gyan Prakash Gupta
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, Ld. Counsel for the applicant and Shri Rajeev Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Objection filed by learned counsel for the respondents is taken on record.</p> <p>Replication if any may be filed within a week.</p> <p>List this case on 20.07.2017 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)

M.A. No. 2517 of 2016 In re O.A. No. (Nil) of 2016

Raj Kumar 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>22.05.2017</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 : None for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Wg Cdr Sadrul Singh, OIC Legal Cell.</p> <p style="text-align: center;">It is stated that Shri Manish Mishra on account of being ill, 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 16.08.2017.</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)

O.A. No. 70 of 2012 With M.A. No. 833 of 2017

Pratap Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & others

Respondent

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</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, Ld. Counsel for the applicant, and Shri Amit Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>A preliminary objection has been raised by the learned counsel for the Applicant to the effect that the case proceeded against the Applicant is barred by limitation in view of the provisions contained in section 122 of the Army Act.</p> <p>The submission of Shri Kauntae appearing for the Applicant is that Major General Shamsheer Singh in his statement as PW 2 stated that he had come to know regarding the offence in question through letter of Headquarters Recruiting Zone dated 19.12.2004. He further stated that convening order was passed on 12.03.2005 pursuant to which Court of enquiry was conducted. Final order for disciplinary enquiry was passed on 29.12.2005 by the Commanding officer namely Brigadier S.K.Brijeshwar. In pursuance of the above, the summary Court Martial was held on 29.08.2008.</p> <p>The submission is that PW 2 in his statement has stated that he had come to know of the allegations in question on 29.12.2004 and it is on this count that the case is barred by time</p>

On the other hand learned counsel for the respondents submits that it is the commanding officer who is empowered under the Army Act to initiate disciplinary inquiry and in the instant case the Commanding officer was Brigadier S.K.Brijeshwar who had directed for disciplinary inquiry vide order dated 29.12.2005.

Undoubtedly, knowledge of Maj General Shamsher Singh does not seem relevant for the purpose of the present controversy since he was not the Commanding officer under section 122 of the Army Act. The Army Act categorically bespeaks that the knowledge should be of the Authority who is competent to initiate disciplinary action. Undoubtedly Brigadier S.K.Brijeshwar was the commanding officer who was authorized to initiate action against the Applicant and it was Brigadier S.K.Brijeshwar who had passed the order for disciplinary action on 29.12.22005.

Learned counsel for the respondents relied upon the decision of Apex Court in Union of India and Ors Vs V.N.Singh 2010 (4) SCR 454, in which the Apex Court held that the date of passing of order by the Commanding officer to initiate disciplinary action shall be the date of knowledge of the authority authorised to take action for the purposes of section 122 of the Army Act.

On the other hand, learned counsel for the petitioner placed reliance on a subsequent decision.

Be that as it may we will record our elaborate finding while deciding the case on merit including the question with regard to limitation.

List this case on 04.07.2017 for further hearing on which date learned counsel for the respondents shall produce the entire original record including the medical signed by the Applicant.

At this stage, learned counsel for the Applicant submits that the Applicant is to retire on 1st June 2017.

In view of the above, it is directed that the retirement of the Applicant shall be subject to further orders passed by the Tribunal.

However on the next date, the respondents shall apprise

the Tribunal whether any action has been taken against the Medical Officer who issued the fitness certificate of the persons who have allegedly been cleared by the Applicant.

Let a copy of this order be supplied to OIC Legal Cell forthwith in order to enable her to process the same for onward transmission to the authority concerned for compliance.

On the next date, the parties shall submit chart of dates and events and also compilation of cases.

(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. 75 of 2015

Ravi Singh Thakur
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>22.05.2017</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 Virat Anand Singh as counsel for the Applicant which is appended with consent of the earlier counsel is taken on record. Let his name be shown as counsel for the Applicant when the case is next listed.</p> <p>Again memo of appearance filed in Court today by Shri D.K.Pandey as counsel for the respondents is taken on record. Let his name be shown in the list as counsel for the respondents when the case is next listed.</p> <p>Present : Shri Virat Anand Singh, 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>With the consent of the parties' counsel, the case is adjourned and is directed to be listed on 27.07.2017 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. 45 of 2016

Yogesh Giri
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>22.05.2017</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.S. Kauntae, Ld. Counsel for the applicant and Mohd Zafar Khan, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Counter Affidavit filed by learned counsel for the respondents is taken on record. Rejoinder affidavit, if any, may be filed within four weeks.</p> <p style="text-align: center;">List this case on 04.07.2017 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.77 of 2016

Brig (Retd) S.K. Sharma
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>22.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri S.S. Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Learned counsel for the respondents prays for adjournment of the case. Learned counsel for the Applicant has no objection.</p> <p>In view of the above, the case is ordered to be listed on 04.08.2017 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. 91 of 2017 Along With M.A. No. 470 of 2017

Jageshwar Singh

Applicants

By Legal Practitioner for the Applicants

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</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, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard learned counsel for the parties on the Application for condonation of delay.</p> <p>Learned counsel for the respondents has made a statement across the bar on case being taken up that non statutory complaint filed by the Applicant is still pending. Learned counsel for the Applicant repudiated the above submission stating that no doubt, non statutory complaint was filed, but the same was returned to the Applicant on 30.08.2016. Thereafter, the learned counsel for the respondents corrected himself admitting to the fact that no non statutory complaint is pending as on date.</p> <p>In view of the above, there appears to be no delay. Hence Application for condonation of delay is allowed.</p> <p>We have heard learned counsel for the parties on</p>

admission. In our view, it is a fit case for admission.

Admit.

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 six weeks next thereafter.

List this case on 25.08.2017 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)

T.A. No. 92 of 2016

Alopi Shanker Bajpae
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>22.05.2017</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 Praveen Kumar Singh Chauhan, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed, one week's time is allowed to file rejoinder affidavit.</p> <p>List this case for orders on 11.07.2017.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(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. 99 of 2016

Surendra Singh Saxena
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>22.05.2017</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 Bachchan Singh, Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>The argument advanced by learned counsel for the respondents is that an appeal against the judgment and decree of the trial court is still pending. It is admitted that no temporary injunction has been granted against the judgment and decree passed by the trial court. In the circumstances, the respondents are under a duty to comply with the order of the Trial Court and submit compliance report by the next date fixed in the case.</p> <p>Since this Tribunal is seized of the matter, the appellate court does not seem to have jurisdiction to proceed with the matter. In the circumstances, it is for the respondents to move appropriate application seeking transfer of the appeal to this Tribunal.</p> <p>List this case for orders on 11.07.2017.</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. 19 of 2017 With M.A. No. 799 of 2017

Sepoy Vinod Kumar
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</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, Ld. Counsel for the petitioner and Maj Soma John, OIC Legal Cell.</p> <p>It is a case in which the victim is the petitioner who has been discharged from the service without any service benefits while Sepoy Ram Niwas who allegedly fired shot at the petitioner has reportedly been acquitted by the Summary Court Martial.</p> <p>Let the report of Summary Court Martial pertaining to Sepoy Ram Niwas be produced for perusal of the Bench along-with other original records pertaining to the controversy involved in this case.</p> <p>List this case 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>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>22.05.2017</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, Ld. Counsel for the petitioner and Shri Namit Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by learned counsel for the respondents, the case is directed to be listed on 29.05.2017 for re-hearing on which date the learned counsel for the respondents shall produce the entire original record including the record pertaining to court of inquiry.</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. 325 of 2013

Surender Yadav 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>22.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, 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>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>The original record shall be submitted at the end of the Registry for being placed for perusal by 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)

O.A. No. 312 of 2015

Ramakant 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>22.05.2017</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.B. Tiwari, Ld. Counsel for the Applicant and Shri. V.P.S. Vats, Ld. Counsel for the respondents, assisted by Lt Mohsin Adwadkar OIC Legal Cell.</p> <p>We have heard learned counsel for the parties assisted by OIC Legal Cell.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>Office is directed to put up the record of M.A. No 1221 of 2014 for perusal of the Tribunal.</p> <p>The parties shall also file synopsis, written arguments and compilation of case laws 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>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. 671 of 2010 With T.A. No. 1381 of 2010

Umakant 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>22.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, Ld. Counsel for the petitioner and Shri. D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Supplementary Counter Affidavit filed by learned counsel for the respondents is taken on record. Replication if any, shall be filed within a week.</p> <p>List this case on 29.05.2017 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>MH/-</p>

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

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

Rajput Chandrapal 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>22.05.2017</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 Rakesh Johri, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by learned counsel for the petitioner, the case is ordered to be listed on 24.05.2017 along-with O.A.No.239 of 2012 for further hearing.</p> <p style="text-align: center;">It needs hardly be said that in terms of earlier order, the parties shall file synopsis, written arguments, list of dates and events and also compilation of case laws if any.</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. 75 of 2011

Ashok Kumar
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</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 Bachchan Singh, Ld. Counsel for the petitioner and Dr. Shesh Narain Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>OIC Legal Cell prays for adjournment submitting that Shri Alok Mathur, the counsel appearing in the case for the respondents has not attended the Court on account of being out of station.</p> <p>Since the counsel appearing for the petitioner has come all the way from Farukhabad on a date fixed by the Tribunal, the case can be adjourned subject to payment of cost which we quantify at Rs 5000/-.</p> <p>In view of the above the case is adjourned and is directed to be listed on 26.05.2017 for further hearing subject to payment of cost of Rs 5000/- which shall be payable to the learned counsel for the petitioner.</p> <p>The cost shall be deposited with the Registrar of the Tribunal within a week. The same shall be payable to learned counsel for the petitioner through cheque drawn in the name of the counsel for the petitioner.</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. 278 of 2012

Hemendra 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>22.05.2017</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 Bachchan Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the applicant seems to be not ready with the case.</p> <p>List the case on 26.05.2017 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 also submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

O.A. No. 312 of 2016

Suraj Singh Negi - 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>22.05.2017</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, 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>As prayed by Ld. Counsel for the applicant, four weeks' time is granted to file rejoinder affidavit.</p> <p>List the case on 22.08.2017 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 also submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

T.A. No. 116 of 2009

Safiuddin - **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>22.05.2017</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, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents submits that his paper book is not available.</p> <p>When the case is next listed, Registry shall show the name of the substituted petitioners correctly.</p> <p>List the case on 23.05.2017 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 also submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

T.A. No. 84 of 2013

Gurmeet Singh & Ors - Petitioners
By Legal Practitioner for the Petitioners

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</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 Bachchan Singh, Ld. Counsel for the petitioners and Shri Amit Jaiswal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the petitioner, four weeks' time is granted to file rejoinder affidavit.</p> <p>List the case on 11.07.2017 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 also submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

T.A. No. 16 of 2015

Kamal Singh Bhadoria - **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>22.05.2017</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, Ld. Counsel for the petitioner and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the petitioner, a week's time is granted to file rejoinder affidavit.</p> <p>List the case on 29.05.2017 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 also submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

T.A. No. 98 of 2016

Surendra Singh Saxena - Petitioner
By Legal Practitioner for the Petitioner

Versus

The Commanding Officer, 658 Engr - Respondents
and Brigade Unit & Ors
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</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 Bachchan Singh, Ld. Counsel for the petitioner and Shri Anurag Mishra, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the respondents, four weeks' further time is granted to file objection to the restoration application. Ld. Counsel for the petitioner is granted two weeks' thereafter to file replication.</p> <p>List the case on 11.07.2017 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 also submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

Dy-No. 652 of 2017 Inre O.A. No. Nil of 2017

Ashok - **Applicant**
By Legal Practitioner for the Applicant

Versus

Union of India & Ors - **Respondents**
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</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 R.K.S. Chauhan, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List has been revised. None appeared for the applicant.</p> <p>Shri R.K.S. Chauhan, Ld. Counsel for the respondent appeared and opposed the petition.</p> <p>The application is dismissed for non prosecution.</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)

EX-A No. 62 of 2017 In re O.A. No. 500 of 2012

Manjit Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">It has been informed by Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents that sanction has already been accorded on 16.03.2017 and PPO is awaited. He prays for and is granted four weeks further time to seek instructions and produce copy of the PPO.</p> <p style="text-align: center;">As prayed, list the case on 29.06.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left; margin-left: 10px;"><small>anb</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. 76 of 2017 In re O.A. No. 155 of 2016

Brig H.M.S. Chatwal
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>22.05.2017</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 Indra Sen Singh, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents, assisted by Maj. Soma John, OIC Legal Cell.</p> <p>The present Execution Application has been preferred by the applicant for a direction to the respondents to comply order dated 31.03.2017 whereby three months' time has been granted to the respondents to comply the order (supra)</p> <p>An objection has been raised by Shri V.P.S. Vats, Ld. Counsel for the respondents that the Execution Application has been preferred prior to expiry of three months. The objection raised seems to be tenable since the Execution Application has been moved at pre-mature stage.</p> <p>Accordingly, the Execution Application is rejected with liberty to the applicant to file fresh Execution Application after expiry of stipulated period, in case advised to do so.</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. 304 of 2017 with M.A. No. 811 of 2017
In re O.A. No. (Nil) of 2017

Ram Khelawan 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>22.05.2017</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 applicant, and Shri G.S Sikarwar, Ld. Counsel for the respondents. assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 811 of 2017</u></p> <p>Objection filed by respondents against application for condonation of delay is taken on record.</p> <p>M.A. No. 811 of 2017 is disposed of accordingly.</p> <p style="text-align: center;"><u>O.A. No. (Nil) of 2017</u></p> <p>As prayed, Ld. Counsel for the applicant is granted four weeks' further time to file replication to objection filed by the respondents to application for condonation of delay.</p> <p>List the case on 09.08.2017 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><small>anb</small></p>

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

M.A. No. 834 of 2017 with M.A. No. 835 of 2017
In re M.A. No. 2239 of 2016 & M.A. No. 2240 of 2016
In re O.A. No. (A) 03 of 2013

Shyambir 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>22.05.2017</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, Ld. Counsel for the applicant and Dr Shailendra Shama Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 834 of 2017</u></p> <p>This is an application for condonation of delay in moving application for restoration.</p> <p>Cause shown is sufficient.</p> <p>Delay is condoned.</p> <p>M.A. stands disposed of accordingly.</p> <p style="text-align: center;"><u>M.A. No. 835 of 2017</u></p> <p>Heard Ld. Counsel for the parties.</p> <p>Order dated 06.04.2017 dismissing the case for non-prosecution is recalled subject to payment of cost of Rs. 1000/- (rupees one thousand) which shall be remitted to Bar Association of Armed Forces Tribunal, Lucknow.</p> <p>Subject to payment of cost, the case shall be restored to its original number and shall be listed on 04.07.2017 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; font-size: small;">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. 858 of 2017
In re T.A. No. 1288 of 2010

Union of India & Others
By Legal Practitioner for the Applicant

Applicants

Versus

Chandra Bhushan Yadav

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2017</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 : Mohd Zafar Khan, Ld. Counsel for the petitioner, assisted by Wg. Cdr Sardul Singh, OIC Legal Cell.</p> <p>Ld. Counsel for the applicant assisted by OIC Legal Cell submits while assailing the impugned order dated 18.04.2017 seeking prayer for grant of leave to appeal that in the absence of any statutory provisions, it is not necessary for the Armed Forces/Air Force to lodge F.I.R. Argument advanced by Ld. Counsel for the applicants seems to be misconceived for the reason that Section 154 Cr.P.C. is equally binding on the Armed Forces/Air Force to lodge F.I.R. whenever a cognizable offence is made out. There is no exclusion clause for the Army Act/Air Force Act. Hence, in view of law settled by Hon'ble Apex Court, lodging of F.I.R. seems to be mandatory. The impugned judgment has been pronounced after relying upon the Apex Court judgment making it mandatory for the Armed Forces/Air Force to lodge F.I.R. against its members whereby a cognizable offence is made out.</p> <p>So far as the submission of Ld. Counsel for the applicant that instruction by a higher authority to a subordinate authority to initiate disciplinary action has been construed as interference is concerned, it would suffice to say that the impugned judgment is based on Hon'ble Apex Court pronouncement which has been referred to in the impugned order. Unless law provides statutory power to interfere, it shall have binding effect non-observance of which will mean to</p>

interfere with the independent functioning of the subordinate authority to discharge his/her statutory duty.

So far as the convening order is concerned, it should be signed by the same authority who has been conferred power in the statute and no other authority in the absence of any statutory mandate has right to sign the convening order.

So far as finding on record is concerned, we have appreciated the entire evidence on record and finding of fact ordinarily does not make out a case for grant of leave to appeal.

Much emphasis has been given by Ld. Counsel for the applicant that finding of fact has been recorded by the Tribunal without appreciating certain vital points raised in the counter affidavit. Suffice to say that unless finding suffers from extreme perversity, it will not make out a case for grant of leave to appeal. Section 31 of the Armed Forces Tribunal Act, 2007 empowers the Tribunal to grant leave to appeal only in case substantial question of law and of public importance arises.

So far as the submission of Ld. Counsel for the applicant that the Tribunal has taken into consideration trivial allegations seems to be misconceived for the reason that we have not decided the controversy taking into consideration minor allegations but the Tribunal has recorded its finding on substantial non-compliance of statutory and Constitutional mandate.

In view of above, we feel that no substantial question of law and of public importance has been pointed out by the Ld. Counsel for the applicants which may make out a case for grant of leave under Section 31 of the Armed Forces Tribunal Act, 2007.

Application for leave to appeal is accordingly rejected.

(Air Marshal Anil Chopra)
Member (A)

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