

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

O.A. No. 264 of 2014 with M.A. No. 384 of 2017
& M.A. No. 604 of 2017

Col Mahesh 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>02.05.2017</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 : Col (Retd) Y.R. Sharma, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents, assisted by Col Azeen Kumar, Col M.S. Legal Cell.</p> <p style="text-align: center;">Heard Col (Retd) Y.R. Sharma, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents assisted by Col Azeen Kumar, Col M.S. Legal Cell at length.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">Ld. Counsel for the respondents shall submit original record, ACR Entries and record of Selection Committee with regard to SCC Course in sealed cover to the Registry.</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)

O.A. No. 200 of 2015 with M.A. No. 697 of 2017

Col V.J.S. Varaich
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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.A. Singh, Ld. Counsel for the applicant and Shri Alok Mathur and Shri Yogesh Kesarwani, Ld. Counsel for the respondents, assisted by Col Azeen Kumar, Col M.S., Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 697 of 2017</u></p> <p>Additional Affidavit filed by the respondents is taken on record. M.A.No. 697 of 2017 is disposed of accordingly.</p> <p style="text-align: center;"><u>O.A. No. 200 of 2015</u></p> <p>On joint request made by Ld. Counsel for the parties, list the case on 09.05.2017 for further 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>

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

O.A. No. 255 of 2015 with M.A. 123 of 2017

Kishan 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>02.05.2017</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 Kaushik Chatterji, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. 123 of 2017</u></p> <p>Supplementary rejoinder affidavit filed by the applicant is taken on record.</p> <p>M.A. No. 124 of 2017 is disposed of accordingly.</p> <p style="text-align: center;"><u>O.A. No. 255 of 2015</u></p> <p>Shri Rohit Kumar, Ld. Counsel for the applicant is reported to be out of station.</p> <p>The case is accordingly passed over for the day.</p> <p>List again on 20.07.2017 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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

M.A. No. 750 of 2017 with M.A. No. 751 of 2017
In re O.A. No. 40 of 2017

Mayank Shukla
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Amit Jaiswal as Ld. Counsel for the respondents is taken on record.</p> <p>Present : Shri Sushil Kumar Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p><u>M.A. No. 750 of 2017</u></p> <p>This is an application for condonation of delay under Section 5 of the Limitation Act in filing application for leave to appeal. The Application has been preferred after lapse of statutory period. It is well settled law that the Tribunal lacks jurisdiction to condone the delay in the matter.</p> <p>Accordingly, the application for condonation of delay in filing application for leave to appeal is not maintainable and is rejected.</p> <p><u>M.A. No. 751 of 2017</u></p> <p>This is an application for grant of leave to appeal filed under Section 31 of Armed Forces Tribunal Act.</p> <p>Since the application for condonation of delay has already been rejected, in consequence thereof, the application for leave to appeal is also rejected.</p>

	(Air Marshal Anil Chopra) Member (A)	(Justice D.P. Singh) Member (J)
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Jpt

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

EX-A No 181 of 2016 with M.A. No. 2545 of 2016
In re O.A. No. 81 of 2010

Achche Lal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Shri Amit Jaiswal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ms Shalini Srivastava, Manager of State Bank of India, Cantt Branch, Lucknow is present in person. She makes a statement that an amount of Rs 14 lacs and odds was adjusted keeping in view the instructions issued through PPO by the respondents. It is not disputed that she acted on the instructions issued by CDA (P), Allahabad. However it is not disputed that no information was communicated to the applicant before adjusting/recovering the aforesaid amount.</p> <p style="text-align: center;"><u>M.A. No. 764 of 2017</u></p> <p>Affidavit filed on behalf respondent bank is taken on record.</p> <p>M.A. No. 764 of 2017 is disposed of.</p> <p style="text-align: center;"><u>O.A. No. 81 of 2010</u></p> <p>Ld. Counsel for the applicant shall file response within a week.</p>

List the case on **12.05.2017** for final hearing. Representative from CDA (P), Allahabad shall appear on the date fixed and show cause how they can issue instructions to adjust an amount of Rs 14 lacs and odds without issuing show cause notice to the applicant. Personal appearance of Ms Shalini Srivastava, Manager of State Bank of India, Cantt Branch, Lucknow is exempted.

Let copy of the present order be supplied to Ld. Counsel for the parties on payment of usual charges.

(Air Marshal Anil Chopra)
Member (A)

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

Jpt

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

M.A. No. 15 of 2017 with R.A. No. 1 of 2017
In re O.A. No. 160 of 2010

S.R.P. Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Lal Chandra Sahu, Ld. Counsel for the applicant and Shri A.K. Gupta, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As prayed by Ld. Counsel for the respondents, three weeks' and no more further time is granted to file objection on application for condonation of delay. Ld. Counsel for the applicant shall file replication within two weeks thereafter.</p> <p style="text-align: center;">List the case on 27.06.2017 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; font-size: small;">Jpt</p>

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Court No. 1 (List A)

O.A. No. 141 of 2012 with M.A. No. 768 of 2017

Smt Rekha
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Nishant Verma, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 768 of 2017</u></p> <p style="text-align: center;">Objection on amendment application filed by the respondents is taken on record.</p> <p style="text-align: center;">M.A. No. 768 of 2017 is disposed of.</p> <p style="text-align: center;"><u>O.A. No. 141 of 2012</u></p> <p style="text-align: center;">Ld. Counsel for the applicant prays for and is allowed two weeks' time to file replication .</p> <p style="text-align: center;">List the case on 26.05.2017 for orders.</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 style="text-align: left; font-size: small;">Jpt</p>

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

O.A. No. 293 of 2015

Dinesh Kumar 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>02.05.2017</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;">Ld. Counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p style="text-align: center;">List the case on 10.07.2017 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 style="text-align: left; font-size: small;">Jpt</p>

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

O.A. No. 73 of 2016

Hukum Chand
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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.K. Shukla, 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;">Though amendment has been carried out but Ld. Counsel for the applicant has not furnished amended copy of the petition. A week's time is granted to Ld. Counsel for the applicant to file amended copy.</p> <p style="text-align: center;">List the 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 style="text-align: left; font-size: small;">Jpt</p>

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

O.A. No. 274 of 2016

Rajendra Prasad Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 B.K. Singh, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Ld. Counsel for the respondents, six weeks' time and no more time is granted to file counter affidavit.</p> <p style="text-align: center;">Ld. Counsel for the applicant may file rejoinder affidavit within next two weeks.</p> <p style="text-align: center;">List the case 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 style="text-align: left; font-size: small;">Jpt</p>

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

O.A. No (A) 239 of 2016 with M.A. No. 2089 of 2016

Shashi Mohan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 R.K.S. Chauhan, Ld. Counsel for the respondents, assisted by Major Soma John, OIC Legal Cell.</p> <p style="text-align: center;">List has been revised .</p> <p style="text-align: center;">None appeared on behalf of the applicant.</p> <p style="text-align: center;">Shri R.K.S. Chauhan appeared for the respondents and opposed the original application.</p> <p style="text-align: center;">However, in the absence of Ld. Counsel for the applicant, the application is dismissed for non prosecution.</p> <p style="text-align: center;">Interim order, if any, stands vacated.</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: center;">Jpt</p> <hr/> <p style="text-align: center;">Before signing the order Shri V.P. Pandey, Advocate holding brief for Shri K.K.S. Bisht, Ld. Counsel for the applicant, appeared and made a mention seeking revival and adjournment of the case.</p> <p style="text-align: center;">As prayed, List the 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 style="text-align: center;">Jpt</p>

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

T.A. No. 49 of 2016

Vijay Kumar Upadhyaya
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Virat Anand Singh, learned counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p>As agreed, list the case on 29.06.2017 for hearing.</p> <p>In the meantime, Ld. Counsel for the applicant shall furnish Bench copy.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

O.A. No. 219 of 2011 with M.A. No. 760 of 2017

Gupteshwer Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Dr. Chet Narain Singh, Ld. Counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p style="text-align: center;">Put up tomorrow i.e. 03.05.2017, as prayed by Ld. Counsel for the applicant Shri R. Chandra, which is not opposed by Dr. Chet Narain Singh, 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; margin-left: 10px;">Jpt</p>

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

O.A. No.109 of 2014 & M.A. No. 767 of 2017

Mukesh 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>02.05.2017</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><u>M.A. No. 767 of 2017</u></p> <p>Supplementary counter affidavit filed by Ld. Counsel for the respondents is taken on record.</p> <p>M.A. No. 767 of 2017 is disposed of.</p> <p><u>O.A. No.109 of 2014</u></p> <p>Ld. Counsel for the applicant prays for and is allowed a week's time to file supplementary rejoinder affidavit .</p> <p>List the case on 29.06.2017 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>

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

O.A. No 164 of 2016 with M.A. No. 766 of 2017

Rajveer Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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 Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 766 of 2017</u></p> <p style="text-align: center;">Rejoinder affidavit filed by Ld. Counsel for the applicant is taken on record.</p> <p style="text-align: center;">M.A. No. 766 of 2017 is disposed of.</p> <p style="text-align: center;"><u>O.A. No 164 of 2016</u></p> <p style="text-align: center;">As agreed by the learned counsel for the parties, list the case on 28.06.2017 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; margin-left: 10px;">Jpt</p>

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

O.A. No. 256 of 2016 with M.A No. 512 of 2017

Ajay 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>02.05.2017</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 SS Rajawat , Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p><u>M.A No. 512 of 2017</u></p> <p>Counter affidavit filed by Ld. Counsel for the respondents is taken on record.</p> <p>M.A. No. 512 of 2017 is disposed of.</p> <p><u>O.A. No. 256 of 2016</u></p> <p>Ld. Counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</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: center;">(Justice D.P. Singh) Member (J)</p> <p>Jpt</p>

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

O.A. No. 321 of 2016 & M.A. No. 765 of 2017

KK Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.05.2017</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. Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p><u>M.A. No. 765 of 2017</u></p> <p>Counter affidavit filed by Ld. Counsel for the respondents is taken on record.</p> <p>M.A. No. 765 of 2017 is disposed of.</p> <p><u>O.A. No. 321 of 2016</u></p> <p>Ld. Counsel for the applicant prays for and granted four weeks' time to file rejoinder affidavit .</p> <p>List the case on 26.07.2017 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>Jpt</p>

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

T.A. No. 34 of 2010 with M.A. No. 247 of 2017
& M.A. No. 515 of 2017

Vinay 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>02.05.2017</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.P. Singh, Ld. Counsel for the petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p><u>M.A. No. 515 of 2017</u></p> <p>This is an application bearing No. 515 of 2017 filed for correction of order dated 01.03.2017 with the grievance that in the order it has been mentioned "OIC Legal Cell does not seem to have taken any concrete action for effecting service on respondent No. 6 in terms of the order of the Tribunal". It has been submitted in para- 7 of the affidavit, filed in support of application for correction that all efforts were made to serve the notice in compliance of the order passed by this Tribunal. Para 7 of the affidavit dated 22.03.2017 filed in support of application is reproduced below:-</p> <p style="text-align: center;"><i>"That it is relevant to point out here that Maj Soma John, OIC Legal Cell was present on 01.03.2017. It was also mentioned in the order and she informed the Hon'ble Tribunal that the order of this Hon'ble Tribunal dated 06.02.2017 has been sent to appropriate authority for its compliance, but instead thereof, this Hon'ble Tribunal inadvertently mentioned in second para of the order that "the OIC Legal Cell does not seem to have taken any concrete action for effecting service on respondent</i></p>

No. 6 in terms of the order of the Tribunal". She further informed that the appropriate authority is ADD PS instead of ADV MP and the same was rectified by this Hon'ble Tribunal in its third para by issuing notice to respondent No. 6 through ADG PS".

From the aforesaid pleading brought on record it appears that the appropriate authority is ADG PS instead of ADG MP to whom notice was issued by the Tribunal on the aforesaid date. It has been submitted by Ld. Counsel for the respondents that Maj Soma John has communicated the order but no one turned up. Thus it appears that efforts were made for service of order but respondent No. 6 did not turn up. It has been further submitted that in compliance of order dated 01.03.2017 again respondent No 6 has been communicated vide letter dated 22.02.2017 by AAG MP 5 (B), New Delhi but Lt Col Jarnail Singh did not turn up.

Accordingly the observation made in the order dated 01.03.2017 is expunged.

However, it appears that Lt Col Jarnail Singh is avoiding the proceeding of the Tribunal in spite of communication sent by the respondents and he did not turn up. In the circumstances, notice shall be deemed to have been served. Hence, we proceed ex-parte against respondent No. 6.

List the case on **09.05.2017** for hearing.

Tribunal's decision to proceed ex-parte against respondent no.6, shall again be communicated to him through JAG Branch.

(Air Marshal Anil Chopra)
Member (A)

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

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

O.A. No. 296 of 2015

Prakash Rai
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>We have heard learned counsel for the Applicant as also learned counsel for the respondents at length.</p> <p>It is submitted by the learned counsel for the respondents that he would require time to produce the original record on which he would base the arguments.</p> <p>As prayed, let the entire original record including the record of court of inquiry, summary of evidence etc be produced by the next date of listing.</p> <p>List this case on 24.05.2017 for further hearing.</p> <p>In the meanwhile, learned counsel for the parties shall submit chart of dates and events and compilation of case laws.</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. 32 of 2016

Jay Veer 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>01.05.2017</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 : Applicant in person and Shri V.P.S. Vats, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">Applicant appeared in person and informed that his counsel is not available at station.</p> <p style="text-align: center;">In view of the above, the case is adjourned and is directed to be listed for hearing on 18.07.2017.</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)

O.A. No. 33 of 2016 with M.A. No. 810 of 2016 M.A. No. 836 of 2016
M.A. No. 2647 of 2016 & M.A. No. 65 of 2017

Raghvendera Pratap Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 : Dr. S.K. Singh, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">Supplementary counter affidavit filed today in court is taken on record.</p> <p style="text-align: center;">Supplementary rejoinder affidavit, if any, may be filed within four weeks.</p> <p style="text-align: center;">List this case on 21.07.2017 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. 135 of 2016 with M.A. No. 2155 of 2016 & M.A. No. 2778 of 2016 (T.A. No. 127 of 2009 (Decided))

Ravinder Kumar
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 Shailendra Kumar Singh, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Learned counsel for the respondents states that supplementary counter affidavit has been filed in the Registry and a copy of the same has been supplied to the learned counsel for the Applicant.</p> <p>Learned counsel for the Applicant prays for and is granted two weeks' time to file supplementary rejoinder affidavit.</p> <p>With the consent of parties, the case is directed to be listed for hearing on 29.06.2017.</p> <p>On the date fixed, original record shall be produced 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. 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>01.05.2017</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;">Heard learned counsel for the Applicant as also learned counsel for the respondents.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>MH/-</p>

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

T.A. No. 116 of 2009 with M.A. No. 418 of 2017

Safiuddin
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 Piyush Thakran, OIC Legal Cell.</p> <p>In the instant case, the petitioner died on 04.03.2016. His legal heir and successor namely, Smt Hamida Bano moved Application for substitution along-with Application for condonation of delay and for setting aside the exparte abatement order.</p> <p style="text-align: center;"><u>M.A.No.418 of 2017</u></p> <p>We have heard learned counsel for the parties on the Application for condonation of delay.</p> <p>From the office report, it transpires that the Application has been moved with delay spanning six months and eight days.</p> <p>It appears that the delay has occurred in moving the Application for substitution mainly on account of ignorance and lack of knowledge. In our considered view, the cause shown seems to be sufficient.</p> <p>Hence, the Application for condonation of delay is allowed and delay in moving the Substitution Application is condoned.</p> <p><u>M.A.No. 762 of 2017</u></p>

In consequence, the exparte abatement order is recalled and the petition is ordered to be restored to its original number.

M.A.No. 761 of 2017

The substitution application is allowed. Let the name of heir and successor of the petitioner namely Smt Hamida Bano be substituted in the original record within a week.

List this case on 08.05.2017 for hearing on which date original record shall be produced for perusal of the Bench.

(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. 144 of 2016

Rajendra Prasad Pal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p style="text-align: center;">Two weeks' further time, as prayed, is allowed to the respondents to file counter affidavit. The applicant shall thereafter have one week's time to file rejoinder affidavit.</p> <p style="text-align: center;">List this case for orders on 30.05.2017.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left; margin-left: 10px;">LN/</p>

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

O.A. No. 37 of 2017

Dharmendra 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>01.05.2017</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 K.K.S. Bisht, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents, assisted by Col Ajeen Kumar, Col MS (Legal) and Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Dr. Chet Narain Singh, learned counsel for the respondents, four weeks' further time is allowed to file counter affidavit. The applicant shall thereafter have two weeks' time to file rejoinder affidavit.</p> <p style="text-align: center;">List this case for orders on 23.08.2017.</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>LN/</p>

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

O.A. No. 200 of 2015 with M.A. No. 697 of 2017

Col VJS Varaich
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 K.K. Mishra, Ld. Counsel for the applicant and Shri Alok Mathur, Ld. Counsel for the respondents, assisted by Col Ajeen Kumar, Col MS (Legal) OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Col Ajeen Kumar, OIC Legal Cell, put up/list this case tomorrow i.e. 02.05.2017.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>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. 970 of 2010 (with Decided T.A. No. 209 of 2009) alongwith
O.A. No. 239 of 2012

Rajput Chandrapal 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>01.05.2017</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 applicant and Shri D.K. Pandey and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Col Ajeen Kumar, Col MS (Legal) and Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Shri I.P.Singh, learned counsel for applicant Ram Roop Singh in OA No. 239 of 2012, is reported to be out of station, hence the case of Ram Roop Singh could not be heard.</p> <p style="text-align: center;">As prayed, list both these cases (i.e. TA No. 970 of 2010 and OA No.239 of 2012) for further hearing on 09.05.2017.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left; margin-left: 20px;">LN/</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)
O.A. No. 302 of 2011

Brijendra Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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.A.Singh, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents, assisted by Col Ajeen Kumar, Col MS (Legal) and Maj Soma John, OIC Legal Cell.</p> <p>It has been argued by Shri V.A.Singh, learned counsel for the applicant that one Hav A.K.Mishra was also tried alongwith the applicant as co-accused for an offence under same section, but he has been given minor punishment and is still serving in the Army while the applicant has been awarded major punishment of dismissal from service. He seeks time to bring on record the aforesaid fact by means of a supplementary affidavit.</p> <p>As prayed by learned counsel for the applicant, he is permitted to file supplementary affidavit within one week, to which the respondents may file reply within next one week.</p> <p>List this case for further hearing on 24.05.2017. The respondents shall produce the entire record including the charges framed against the applicant and Hav A.K.Mishra on the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>LN/</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

O.A. No. 289 of 2015 with M.A. No. 605 of 2017

Col Balvinder Singh Mavi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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.G. Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents, assisted by Col Ajeen Kumar, Col MS (Legal) and Maj Soma John, OIC Legal Cell.</p> <p>Heard learned counsel for the parties and perused the record.</p> <p>The present OA has been preferred by the applicant being aggrieved with his non-empanelment for promotion to the rank of Brigadier.</p> <p>It has been vehemently argued by learned counsel for the applicant that the grounds raised by the applicant in statutory complaint have not been taken into account while adjudicating the controversy in question and he has been superseded on unfounded grounds. Accordingly, the applicant prays that he be promoted to the rank of Brigadier.</p> <p>We have seen the original record as well as the comparative chart dated 10.04.2017, produced by the respondents during the course of hearing. From the comparative chart, it appears that the bench marks of last empanelled officer</p>

were 90.950 marks while the applicant was awarded only 89.797 marks. In pyramidal structure of the Indian Army, where competition for promotion is very tough, the difference of even one point mark matters a lot. When there is no allegation that the selection committee has acted prejudicially while awarding bench marks to the officers while considering their cases for promotion or something has been missed by the selection committee while taking into account the applicant's service career, we feel, it is not open for the Tribunal to reassess the comparative merits of the officers whose cases were considered by the selection committee. Non-empanelment of the applicant appears to be based on comparative merits of the candidates. We, therefore, do not find any reason to interfere with the recommendation made by the selection committee regarding non-empanelment of the applicant.

The OA lacks merit and is accordingly dismissed.

(Air Marshal Anil Chopra)
Member (A)

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

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

M.A. No. 744 of 2017 In re O.A. No. Nil of 2017

Smt. Pushpa 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>01.05.2017</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 Satyajit Mukherji , 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;">Six weeks' time is granted to Ld. Counsel for the respondents to file objection to application for condonation of delay. Replication may be filed by Ld. Counsel for the applicant within two weeks thereafter.</p> <p style="text-align: center;">List the case on 10.08.2017 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 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. 2114 of 2016 In re O.A. No. Nil of 2016

Jyoti Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 Onkar Pandey 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. 2114 of 2016</u></p> <p style="text-align: center;">Delay of two years and odds seems to have been reasonably explained. Cause shown is sufficient. Delay in preferring the O.A. is condoned.</p> <p style="text-align: center;">The controversy relates to compassionate appointment. The matter requires hearing.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents shall file counter affidavit within six weeks. Rejoinder affidavit may be filed by Ld. Counsel for the applicant within next two weeks.</p> <p style="text-align: center;">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 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. 345 of 2017 In re O.A. No. Nil of 2017

Shishpal 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>01.05.2017</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 : Col (Retd) A.K. Srivastava, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Ld. Counsel for the applicant, list the case on 09.05.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>anb</small></p>

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

T.A. No. 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>01.05.2017</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>List the case on 22.05.2017 for orders.</p> <p>In the meantime, Ld. Counsel for the petitioner may file rejoinder affidavit since written statement has already been filed.</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. 49 of 2016 In re O.A. No. Nil of 2016

Surender 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>01.05.2017</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.G. 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>Four weeks time is allowed to the applicant to file reply to the objection filed by the respondents against application for condonation of delay.</p> <p>List the case on 17.07.2017 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. 1901 of 2016 In re O.A. No. Nil of 2016

Ramwati Devi @ Ram Beti 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>01.05.2017</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 and Shri Kaushik Chatterji, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 1901 of 2016</u></p> <p style="text-align: center;">Heard Ld. Counsel for the applicant and Ld. Counsel for the respondents and perused the records.</p> <p style="text-align: center;">Applicant's husband Late Ram Baran Singh was dismissed from Indian Army on 04.02.1972. The applicant's husband did not approach any forum against impugned order of dismissal during his life time. Now the applicant has preferred the present O.A. being widow of deceased husband, former member of the Indian Army challenging the order of dismissal and consequential benefits. The O.A. has been preferred almost after 45 years. No explanation has been given as to why applicant's husband has not challenged impugned order of dismissal dated 04.02.1972. Even after 06.10.1996, i.e. after death of applicant's husband, the applicant has preferred the present O.A. in 2016. No reasonable explanation has been given as to why applicant's husband has not challenged the impugned order of dismissal.</p>

In the absence of any explanation given with regard to commission and omission on the part of husband of the applicant for the period 04.02.1972 to 06.10.1996, there appears to be gross inaction on the part of the deceased Army personnel to challenge the impugned order of dismissal. Now the applicant, while approaching the Tribunal; has also not shown cause by giving reasonable explanation for the inordinate delay in approaching the Tribunal.

In a recent judgment of Hon'ble Supreme Court in the case of **Balwant Singh (Dead) vs. Jagdish Singh & ors**, (2010) 8 SCC 685, their Lordships have held, to quote:-

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

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

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

35. The expression “sufficient cause” implies the presence of legal and adequate reasons. The word “sufficient” means adequate enough, as much as may be necessary to answer the purpose intended. It embraces no more than that which provides a plentitude which, when done, suffices to accomplish the purpose intended in the light of existing circumstances and when viewed from the reasonable standard of practical and cautious men. The sufficient cause should be such as it would persuade the court, in exercise of its judicial

discretion, to treat the delay as and excusable one. These provisions give the courts enough power and discretion to apply a law in a meaningful manner, while assuring that the purpose of enacting such a law does not stand frustrated.

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

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

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

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

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

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

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

In case the applicant's case is considered in view of the observations made by Hon'ble Supreme Court in the case of **Balwant Singh** (supra), keeping in view the fact that no effort was made by the applicant to challenge the impugned order of dismissal dated 04.02.1972 for approximately forty five years, condonation of delay shall be in utter disregard to the statutory mandate. Even if adopting a liberal approach, it shall not make out a case to condone the delay, that too of more than forty five years. Condoning the unexplained delay of more than forty five years shall frustrate the very object of Section 5 of the Indian Limitation Act and the statutory period as provided in the Armed Forces Tribunal Act, 2007.

In this view of the matter, since the applicant has grossly failed to show cause for condonation of delay, the application is accordingly **rejected**.

Since application for condonation of delay has been rejected, as a consequence thereto the O.A. is also **dismissed** being not maintainable.

(Air Marshal Anil Chopra)
Member (A)

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

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

M.A. No. 108 of 2017 In re M.A. No. 2284 of 2016

Rajesh Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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. Shri Yogesh Kesarwani, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Ld. Counsel for the applicant is not present.</p> <p style="text-align: center;">List the case on 07.07.2017 for orders on request made by Shri K.K.S. Bisht, Ld. Counsel holding brief for Ld. Counsel for the applicant.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <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. 327 of 2017 with M.A. No. 328 of 2017
In re T.A. No. 700 of 2010

Anand Kumar Srivastava
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2017</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 Manjive Shukla, 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><u>M.A. No. 327 of 2017</u></p> <p>Shri D.K.Pandey, Ld. Counsel for the respondents does not intend to file any objection to application for condonation of delay to recall order dated 06.12.2016. Cause shown seems to be sufficient. Delay is condoned.</p> <p>Application is accordingly allowed.</p> <p><u>M.A. No. 328 of 2017</u></p> <p>Order dated 06.12.2016 is recalled subject to payment of cost of Rs. 500/- which shall be remitted to AFT Bar Association, Lucknow. Let cost be deposited within one week.</p> <p>Application No. 328 of 2017 stands disposed of accordingly.</p> <p><u>T.A. No. 700 of 2010</u></p> <p>List the petition on 26.05.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><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. 443 of 2017 In re EX-A. No. 238 of 2016
Inre T.A. No. 1052 of 2010

P.N. 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>01.05.2017</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 J.P. Pandey, learned counsel for the petitioner and Shri Ashish Kumar Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents prays for and is granted three weeks' time to file affidavit keeping in view the representation preferred by the applicant dated 08.02.2017, a copy of which has been filed as Annexure-6 to the Execution Application. While filing affidavit, respondents shall give reply to the contents of representation dated 08.02.2017 as well as break-up of amount paid in pursuance of order of this Tribunal.</p> <p>List the case on 30.05.2017 for orders.</p> <p>Copy of this order be supplied to Ld. Counsel for the parties free of cost by 02.05.2017.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><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. 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>01.05.2017</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 Pradeep Tiwari, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell and Shri Diwakar Singh, Ld. Counsel for respondent No. 5.</p> <p style="text-align: center;">Shri Pradeep Tiwari, Ld. Counsel for the applicant, Shri Diwakar Singh, Ld. Counsel for private respondent no. 5 and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Maj Soma John, OIC, Legal Cell agree that the matter may be amicably settled so that there may be no heart-burning between the parties, who are mother and widow of deceased Army personnel.</p> <p style="text-align: center;">Keeping in view the consensus between the parties that they are ready to enter into compromise and to divide amongst them pension and other pensionary benefits accrued to the deceased Army personnel to the share of 50% each, we direct the parties to file joint affidavit so that appropriate order keeping in view the averments made in the affidavit may be passed.</p> <p style="text-align: center;">List the case on 24.05.2017 for further orders.</p> <p style="text-align: center;">Affidavit may be filed by the parties on or before next date of listing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p>

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

T.A. No. 89 of 2009

Rajendra Prasad 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>28.04.2017</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 : Shrif P.N. Chaturvedi, Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Heard arguments of the learned counsel for the parties.</p> <p>Order reserved.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>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. 17 of 2010

Smt. Suman Devi & Others
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>28.04.2017</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 Amit Sharma, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Amended copy of the T.A. has not been provided by petitioner's counsel Shri P.N. Chaturvedi. Hence it is not possible to make effective hearing of the case. Accordingly, we defer the hearing today.</p> <p>List the case on 08.05.2017 for hearing and also to enable learned counsel for the petitioner Shri P.N. Chaturvedi to submit amended copy of the T.A., after serving it on the respondents' counsel. Cost imposed vide order dated 12.09.2016 has already been deposited as stated by Shri P.N. Chaturvedi, learned 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>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. 27 of 2010

Maj Gen Nilendra 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>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Dipak Seth, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>From the record it appears that there are old complaints available in the original record against the petitioner as well as against the private Respondent No.3. From the record there appears to be a complaint sent by one Dr. Jagmohan, Advocate of the Supreme Court. Though the complaint is undated and unsigned but there is no noting or remark on the complaint that as to how it was received by the office concerned of the respondents i.e. as to whether it was received through registered post or was given by hand on behalf of Dr. Jagmohan (supra). At this stage OIC Legal Cell states that he wants time to study the record. List on 04.05.2017 for further hearing. Original record shall again be produced on the next date, which has been returned back today.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>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. 1290 of 2010

Arvind Kumar Katiyar
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>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri M.S. Yadav, Ld. Counsel for the petitioner and Shri Kaushik Chatterji, Ld. Counsel for the respondents, assisted by Sgt Pradeep Kumar and Sgt Aman Bhardwaj, OIC Legal Cell.</p> <p>No specific reply on behalf of the respondents has been given with regard to pleadings in para-10 of the T.A. During course of arguments, it has been submitted by OIC Legal Cell that on 10.07.2001 an order was passed with regard to Summary of Evidence but record has been produced with regard to said Summary of Evidence. We direct the respondents to produce the entire records together and not in piecemeal with regard to this incidence, including the proceedings taken in the month of July, 2001 or prior to it or later to it, on the next date of listing.</p> <p>List the case for further hearing on 25.05.2017.</p> <p>Let copy of this order be issued to the learned counsel for the parties on payment of usual charges today itself.</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)(supple.)

T.A. No. 13 of 2017

Sgt S.P. Pandey
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the petitioner and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>List the case on 26.05.2017 for re-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)

M.A. No. 728 of 2017 In re O.A. No. Nil of 2017

Ajay Pal 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>28.04.2017</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 Sunil Sharma as Ld. Counsel for the respondents is taken on record. His name shall be shown in the cause list.</p> <p>Present : Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents prays for and is granted six weeks' time to file objection to the application for condonation of delay. Applicant shall have two weeks thereafter to file replication.</p> <p>List the case on 18.08.2017 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><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. 130 of 2017

Ashok Kumar Kushwaha
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>28.04.2017</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 Kaushik Chatterji as Ld. Counsel for the respondents is taken on record. His name shall be shown in the cause list.</p> <p>Present : Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>The impugned order is of 14.03.2017, hence there appears to be no delay.</p> <p>This O.A. has been preferred impugning order of discharge of the applicant being undesirable soldier. The matter requires hearing.</p> <p>Admit.</p> <p>Respondents may file counter affidavit within six weeks. Rejoinder affidavit shall be filed by the applicant within two weeks thereafter.</p> <p>List the case on 24.08.2017 for orders.</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>

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

O.A. No. 131 of 2017

Sushil Kumar Das
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Regis try	Orders of the Tribunal
	<p><u>28.04.2017</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 Virendra Singh as Ld. Counsel for the respondents is taken on record. His name shall be shown in the cause list.</p> <p>Present : Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Heard Ld. Counsel for the parties and perused the record.</p> <p>The present O.A. has been preferred with the prayer for a direction to the respondents to dispose of statutory complaint dated 14.05.2016.</p> <p>Ld. Counsel for the respondents submitted that the applicant has filed belated statutory complaint which cannot be considered at this stage.</p> <p>However, the question involved in the present O.A. is with regard to delay caused in filing statutory complaint which is a matter which may be looked into by the respondents. The fact remains that the statutory complaint preferred by the applicant is pending.</p> <p>Hence we dispose of the O.A. at the admission stage with the consent of Ld. Counsel for the parties with a direction to the competent authority to decide the statutory complaint dated 14.05.2016 preferred by the applicant by a speaking and reasoned order expeditiously, say, within a period of three months from the date of presentation of a certified copy of this order and communicate the decision to the applicant.</p> <p>It is clarified that we have not entered into the merits of the controversy involved in the present case.</p> <p>With the aforesaid direction, the O.A. is disposed of finally.</p> <p>No order as to costs.</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. 73 of 2017 In re T.A. No. 96 of 2016

Maj Gen D.V.S. Rana
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>28.04.2017</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 V.P.S. Vats as Ld. Counsel for the respondents is taken on record. His name shall be shown in the cause list.</p> <p>Present : Shri R. Chandra, Ld. Counsel for the petitioner and Shri V.P.S. Vats, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Respondents' counsel Shri V.P.S. Vats is granted four weeks time to show cause why the order of this Tribunal dated 08.02.2017 has not been complied with.</p> <p>List the case on 26.05.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><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. 711 of 2017 with M.A. No. 712 of 2017
In re T.A. No. 120 of 2009

B.G. Gowda

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>28.04.2017</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 Yogesh Kesarwani, Ld. Counsel for the petitioner assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;"><u>M. A. No. 711 of 2017</u></p> <p>This is an application for condonation of delay in filing application for grant of leave to appeal in T.A. No. 120 of 2009. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is rejected.</p> <p style="text-align: center;"><u>M.A. No. 712 of 2017</u></p> <p>This is an application for grant of leave to appeal which has been filed beyond the statutory period of limitation. Application for condonation of delay has been rejected.</p> <p>In consequence there of the application for leave to appeal is also rejected.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left; 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. 715 of 2017 In re O.A. No. 51 of 2014

Liladhar

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>28.04.2017</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 Ms. Deepti P. Bajpai as Ld. Counsel for the respondents is taken on record. Her name shall be shown in the cause list.</p> <p>Present : Shri Yash Pal Singh, Ld. Counsel for the applicant and Ms. Deepti P. Bajpai, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>The respondents shall show cause why the order of the Tribunal dated 04.03.2015 has not been complied with in spite of the fact that we had disposed of the earlier Execution Application bearing No. 27 of 2015 by order dated 07.03.2017 keeping in view the statement of Ld. Counsel for the respondents.</p> <p>It is alleged that the applicant had preferred O.A. for payment of provisional pension which was allowed but till date provisional pension has not been paid. It is also submitted that the Special Leave Petition preferred by the respondents has been dismissed by Hon'ble Supreme Court vide order dated 13.07.2016.</p> <p>There appears no justification on the part of the respondents not to comply the order of this Tribunal dated 04.03.2015.</p> <p>List the case on 26.05.2017 for orders.</p> <p>On said date, respondents shall file affidavit of compliance.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p>

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

M.A. No. 716 of 2017 In re O.A. No. 183 of 2010

Satish 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>28.04.2017</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 Ashish Saxena as Ld. Counsel for the respondents is taken on record.</p> <p>Present : Shri Vikash Chauhan, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 716 of 2017.</u></p> <p>This is an application for recall of order dated 29.03.2017.</p> <p>Shri Vikash Chauhan, Ld. Counsel for the applicant made a statement at Bar that he does not intend to press the application for recall of order and stated that applicant would file a fresh one in accordance with Rules.</p> <p>It may be noticed that the present application has not been filed by the same counsel who had filed the O.A.</p> <p>The application is rejected accordingly.</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. 723 of 2017 with M.A. No. 724 of 2017
In re T.A. No. 25 of 2014

Union of India & Others
By Legal Practitioner for the Applicant

Applicant

Versus

Shashi Kumar Mishra
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Dinesh Kumar Pandey, Ld. Counsel for the applicant, assisted by Major Piyush Thakran, OIC Legal Cell.</p> <p><u>M.A. No. 723 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><u>M.A. No. 724 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><small>anb</small></p>

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

EX-A. No. 32 of 2017 In re O.A. No. 100 of 2016

Col Ram Kumar Nayar
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>28.04.2017</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.G. Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>The order of this Tribunal is dated 21.03.2016 which has not been complied with. In the present Execution Application repeatedly time has been granted to show cause and submit compliance report.</p> <p>In our order dated 23.03.2017, we have observed that in case the order of the Tribunal is not complied with, the Tribunal may pass punitive order.</p> <p>It appears that in spite of inordinate delay on the part of the respondents, the order of the Tribunal has not been complied with.</p> <p>Hence, subject to payment of cost of Rs. 10,000/- (rupees ten thousand) to be deposited by the respondents within a week, we defer the proceedings of the case awaiting compliance of order.</p> <p>List the case on 29.05.2017 for further orders.</p> <p>When the cost of Rs. 10,000/- is deposited by the respondents as aforesaid, Registry shall release the amount in favour of the applicant through cheque.</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. 1686 of 2016 with M.A. No. 1844 of 2016
In re O.A. No. Nil of 2016

Virendra Pratap Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2017</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 A.K. Singh, Ld. Counsel for the applicant. Sgt Pradeep Kumar for the respondents. Shri Amit Jaiswal, Ld. Counsel for the respondents is reported to be out of station. The case is accordingly adjourned. List again on 04.05.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>anb</small></p>

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**O.A. No. 60 of 2016 with M.A. No. 1717 of 2016, M.A. No. 2042 of 2016,
M.A. No. 2419 of 2016, M.A. No. 2552 of 2016, M.A. No. 347 of 2017 &
M.A. No. 702 of 2017**

Lt Col Mukesh Baboo
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>28.04.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Applicant in person. Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p style="text-align: center;">Applicant appeared in person.</p> <p style="text-align: center;">List the case on 26.07.2017 for order before the appropriate 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 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)

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

Santosh Kumar 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>28.04.2017</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.R. Tripathi, Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents, assisted by Maj Piyush Thakran, OIC Legal Cell.</p> <p>Maj PiyushThakran, OIC, Legal Cell submits that the earlier order of the Tribunal dated 13.04.2017 could not be communicated to the officer concerned. He seeks adjournment.</p> <p>As prayed, list the case on 03.05.2017 in pursuance of earlier order as first case in the cause list.</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)

Original Application No. 148 of 2016

Ashish Tiwari
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>28.04.2017</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 Yogendra Mishra, Ld. Counsel for the petitioner and Shri V.P.S. Vats, Ld. Counsel for the respondents, assisted Sgt Pradeep Kumar and Sgt Aman Bhardwaj.</p> <p>The O.A. is dismissed vide order of date passed in O.A. No. 86 of 2016, Abhay Patel vs. Union of India and others.</p> <p>For orders see our order of date placed on the file of O.A. No. 86 of 2016, Abhay Patel vs. Union of India and others.</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)

Original Application No. 145 of 2016

Deepak Khetwan
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>28.04.2017</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 Yogendra Mishra, Ld. Counsel for the petitioner and Shri Shyam Singh, Ld. Counsel for the respondents, assisted Sgt Pradeep Kumar and Sgt Aman Bhardwaj.</p> <p>The O.A. is dismissed vide order of date passed in O.A. No. 86 of 2016, Abhay Patel vs. Union of India and others.</p> <p>For orders see our order of date placed on the file of O.A. No. 86 of 2016, Abhay Patel vs. Union of India and others.</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)

Original Application No. 24 of 2017

Ruhul Amin
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>28.04.2017</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 Yogendra Mishra, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted Sgt Pradeep Kumar and Sgt Aman Bhardwaj.</p> <p>The O.A. is dismissed vide order of date passed in O.A. No. 86 of 2016, Abhay Patel vs. Union of India and others.</p> <p>For orders see our order of date placed on the file of O.A. No. 86 of 2016, Abhay Patel vs. Union of India and others.</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>