

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

**Dy No. 2520 of 2016**

**Rajbeer Singh**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p>Present : Col (Retd) Ashok Kumar, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>Counter affidavit filed by respondents is taken on record. As prayed, three weeks' time is allowed to the applicant to file rejoinder affidavit.</p> <p>List this case for hearing on <b>03.04.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></p> <p>LN/</p>

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

**M.A. No. 339 of 2016 with M.A. No. 1222 of 2016**  
**In re O.A. No. Nil of 2016**

**Rati Bhan Yadav** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p>Present : Shri V.P. Pandey, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>As prayed by Shri V.P.Pandey, learned counsel for the applicant, two weeks and no more time is allowed file reply to the objection filed by the respondents against the application for condonation of delay.</p> <p>List this case for orders on <b>01.03.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></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. 1408 of 2016 In re O.A. No. Nil of 2016**

**Brijesh Kumar Pandey** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p>Present : Col (Retd) R.N. Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>As prayed, two weeks' further time is allowed to the applicant to file reply to the objection filed by the respondents against the application for condonation of delay.</p> <p>List this case for orders on <b>06.03.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></p> <p>LN/</p>

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

**M.A. No. 1411 of 2016 with M.A. No. 1412 of 2016**  
**In re T.A. No. 1278 of 2010**

**V.V. Khandekar Rao** Petitioner  
By Legal Practitioner for the Petitioner  
**Versus**  
**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri Rohit Kumar, learned counsel for the petitioner and Shri Kaushik Chatterji, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Shri Rohit Kumar, learned counsel for the petitioner, ten days' time is allowed to file rejoinder affidavit.</p> <p style="text-align: center;">List this case for hearing on <b>27.01.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></p> <p>JPT</p>

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

**M.A. No. 2572 of 2016 In re T.A. No. 77 of 2013**

**Jainendra Singh** Petitioner  
By Legal Practitioner for the Petitioner

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri V.A. Singh, learned counsel for the petitioner and Shri G.S.Sikarwar, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">Shri V.A.Singh, learned counsel for the petitioner states that he will deposit costs today itself.</p> <p style="text-align: center;">Subject to deposition of costs, list this case for hearing on <b>16.01.2017</b>, showing the name of Shri G.S.Sikarwar as counsel for the respondents.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></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. 324 of 2013**

**Prabodh Nath Tiwari**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Chief of Army Staff & Others**

Respondent

By Legal Practitioner for Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p>Present : Shri Rohit Kumar, learned counsel for the applicant and Shri R.K.S. Chauhan, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>Learned counsel for the respondents submits that the petitioner's case was considered and not found fit for reversion to the rank of Naik by the Chief of Army Staff and the order of punishment i.e. his reversion to the rank of Soldier has been maintained.</p> <p style="text-align: center;">List this case for hearing on <b>20.02.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></p> <p>LN/</p>

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

**T.A. No. 595 of 2010 with M.A. No. 2054 of 2015**

**Vijay Keshav Singh** Petitioner  
By Legal Practitioner for the Petitioner

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p>Present : Shri Anurag Mishra, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>Petitioner Vijay Keshav Singh, who appears in person, states that his counsel Shri P.N. Chaturvedi is suffering from illness.</p> <p>As prayed, list this case for hearing on <b>21.02.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></p> <p>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. 1047 of 2010**

<b>Dev Bahadur Singh Sikarwar</b> By Legal Practitioner for the Petitioner	Petitioner
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p style="text-align: justify;">Present : Shri K.K.S.Bisht, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: justify;">Being aggrieved with discharge from Army on medical ground immediately after his recruitment, the petitioner had preferred a writ petition bearing No. 78818 of 2005 in Hon'ble Allahabad High Court, which has been transferred to this Tribunal, now registered as Transfer Application No. 1047 of 2010.</p> <p style="text-align: justify;">We have heard Shri K.K.S.Bisht, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: justify;">The petitioner was enrolled in the Indian Army on 25.02.2003 by Artillery Centre, Nasik Road Camp. According to the notes of the Medical Officer recorded on 10.03.2003, the petitioner was referred to Military Hospital, Devlali on 11.03.2003 for detailed investigation and then transferred to Command Hospital (Southern Command), Pune on 15.03.2003 for opinion of Command Dental advisor, where he was treated for five days and transferred back to Military Hospital Devlali on 20.03.2003 for endorsement of the specialist in Column 22 of AFMSF11.</p>



The petitioner was diagnosed as a case of "ANTERIOR CROSS BITE K 08" by the Medical Board and this opinion of the Medical Board was countersigned by Deputy Commandant, Command Hospital (Southern Command), Pune. A copy of the Medical Board's opinion has been filed as Annexure CA-1 to the counter affidavit. In pursuance of the aforesaid opinion of the Medical Board, the petitioner was discharged by the impugned order dated 06.08.2003. Feeling aggrieved, the petitioner had preferred a petition before the Commanding Officer, which, according to the petitioner's counsel, has not yet been decided.

So far as the question of dental abnormality is concerned, it has not been disputed by the petitioner's counsel, but his submission is that according to Rule 14(b) of the Entitlement Rules for Casualty Pensionary Awards, 1982 (in short, the Rules) a disease which is not detected at the time of enrolment shall be deemed to be a disease arisen during course of service. For convenience, Rule 14(b) of the Rules is reproduced as under:

*"14 (b) A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service, if no note of it was made at the time of the individual's acceptance for military service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service, the disease will not be deemed to have arisen during service."*

Relying upon the aforesaid Rule 14(b), submission of learned counsel for the petitioner is that he could not be discharged from service. It is further submitted by petitioner's counsel that the abnormality in teeth does not affect the service, hence petitioner's discharge from service suffers from the vice of arbitrariness.

In response to the above arguments, learned counsel for the respondents submits that the disease from which the petitioner is suffering, affects the service and it is violative of Special Army Order SAO 4/S/71, a copy of which has been filed

as SCR-2 to the supplementary counter affidavit. The relevant portion of SAO 4/S/71 is reproduced as under:

*“28. Teeth.- The acceptance or rejection of a recruit on account of loss or decay of teeth will depend on the relative position of the sound teeth and the physical condition of the recruit.*

*29. A recruit must have sufficient number of teeth to enable him to masticate efficiently and on no account will he be accepted, if he requires artificial dentures for efficient mastication.*

*30. In order to assess whether a recruit has a sufficient number of teeth to masticate efficiently, the following guide will be taken into consideration:-*

*(a) Teeth which are not considered necessary for efficient mastication are allotted ONE POINT each and those essential TWO POINTS each.*

*(b) Each incisor, canine 1<sup>st</sup> and 2<sup>nd</sup> premolars will have a value of one point provided their corresponding lower teeth are present.*

*(c) Each 1<sup>st</sup> and 2<sup>nd</sup> molar and well developed 3<sup>rd</sup> molar will have the value of two points, provided in good apposition to corresponding teeth in the lower jaw.*

*(d) In case of 3<sup>rd</sup> molar not well developed, it will have a value of one point only.*

*(e) When all the 16 teeth are present in the upper jaw and in good junctional apposition to corresponding teeth in the lower jaw, the total value will be 20 or 22 points according to whether the 3<sup>rd</sup> molar are well developed or not.*

*(f) The following teeth will be present in the upper jaw in good functional apposition to the corresponding teeth in the lower jaw :-*

*(i) Any 4 of the 6 anterior*

*(ii) Any 6 of the 10 posterior*

*Provided there are at least 14 dental points in the mouth. All these teeth must be sound or repairable. The minimum number of points required in a recruit will be 14.”*

A perusal of the aforesaid provision, as contained in SAO 4/S/71, shows that the abnormality, from which the petitioner is suffering, adversely affects the service career of Armed Forces personnel.

At this stage, our attention has been invited to Special

Army Order, annexed as Annexure SCR-2 to the Supplementary Counter affidavit, which seems to have been filed in piecemeal. Entire Special Army Order has not been filed. We have noticed that ordinarily entire Army Orders are not filed; they are filed in piecemeal and are not available in office. On administrative side, we had made a request to the Brigadier of JAG Branch in a meeting to provide complete set of Army Orders to the Registry of this Tribunal so that they may be kept in the Library of AFT, Lucknow and be used while dictating the judgments/orders, but the same has not been provided. The respondents are directed to provide complete set of Army Orders to the Registry of this Tribunal on which they place reliance within two weeks.

List this case for further hearing on **31.01.2017**.

**(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. 202 of 2010**

**Mukesh Mishra**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri D.K. Pandey, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">Petitioner Mukesh Mishra, who appears in person, states that his counsel Shri P.N. Chaturvedi is suffering from illness.</p> <p style="text-align: center;">As prayed, list this case for hearing on <b>22.02.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></p> <p style="text-align: left; margin-left: 20px;"><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. 239 of 2012 with T.A. No. 970 of 2010**

<b>Ram Roop Singh</b> By Legal Practitioner for the Petitioner	Petitioner
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>		
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri Yash Pal Singh, learned counsel for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">On call of the case, Shri Yashpal Singh, Advocate appeared. He states that the petitioner intends to engage some other counsel, for which he has given no objection.</p> <p style="text-align: center;">In view of the above statement given by Shri Yashpal Singh, his name be deleted in the cause-list as counsel for the petitioner.</p> <p style="text-align: center;">List this case for hearing on <b>23.01.2017</b>.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></td><td style="width: 50%; text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></td></tr></table> <p style="margin-top: 10px;">LN/</p>	<b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b>	<b>(Justice D.P. Singh)</b> <b>Member (J)</b>
<b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b>	<b>(Justice D.P. Singh)</b> <b>Member (J)</b>		

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

**O.A. No. 259 of 2013**

**Chun Bahadur**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p>Present : Shri V.P. Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>As prayed, a week's and no more time is allowed to the applicant to file reply in terms of the order dated 13.12.2016/ List this case for hearing on <b>09.01.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></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** Petitioner  
By Legal Practitioner for the Petitioner

**Versus**

**Union of India & Others** Respondent  
By Legal Practitioner for Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p style="text-align: center;">Present : Shri Amit Sharma, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">Petitioner's counsel Shri P.N. Chaturvedi is suffering from illness.</p> <p style="text-align: center;">List this case for hearing on <b>28.01.2017</b>.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></p> <p>LN/</p>

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

**M.A. No. 1901 of 2016 In re O.A. No. Nil of 2016**

**Ramwati Devi & Ram Beti Devi** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri O.P.Kushwaha, Advocate holding brief of Shri Ashok Kumar, learned counsel for the applicant and Shri Kaushik Chatterji, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">As prayed, three weeks' and no more further time is granted to file reply to the objection.</p> <p style="text-align: center;">List this case on 14.03.2017 for orders.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></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. 65 of 2016**

**Sanjay Singh**

By Legal Practitioner for the Petitioner

Petitioner

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p>Present : Shri Lakshman Singh, learned counsel for the petitioner and Shri Amit Jaiswal, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>Despite peremptory order to bring on record copy of the counter affidavit that was filed by the respondents in the High Court, copy of the counter affidavit has not been filed.</p> <p>On being called upon to explain, the learned counsel for the respondents could not come up with any convincing reply. However, he prays for further time to comply with the order of the Tribunal.</p> <p>Let the copy of the counter affidavit be brought on record within a week failing which the Court would be compelled not to view it with equanimity.</p> <p>List this case on 09.01.2017 for orders.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></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 T.A. No. 209 of 2009 (Decided)**

**Rajput Chandrapal Singh** Petitioner  
By Legal Practitioner for the Petitioner

**Versus**

**Union of India & Others** Respondent  
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.01.2017</u></b> <b><u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u></b> <b><u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></b></p> <p>Present: Shri Rakesh Johri, learned counsel for the petitioner and Shri D.K. Pandey, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>We have heard learned counsel for the parties at length.</p> <p>Let present petition be listed alongwith <b>O.A No 239 of 2012 Hav Ram Roop Singh vs Union of India and others</b> on 23.01.2017 for further hearing. Since in both the cases, the Applicants/Petitioners were discharged/dismissed from Army under section 20 of the Army Act which means, without inquiry, let the entire record pertaining to both the cases including proceeding of court of enquiry and summary of evidence, if any, be produced for perusal of the Bench by the next date fixed in the case.</p> <p>However, learned counsel for the respondents reiterated in the course of arguments that court of inquiry and summary of evidence were not made use of in passing the order of dismissal against the petitioners/Applicants. Even-if court of enquiry and summary of evidence were not made use of in passing the impugned orders, the respondents shall produce the same for perusal of the Bench.</p> <p style="text-align: center;"><b>(Air Marshal Anil Chopra)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice D.P. Singh)</b> <b>Member (J)</b></p>