

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

O.A. No. 157 of 2015

Himanshu Goswami

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>06.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Yash Pal Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>Heard learned counsel for the parties at some length.</p> <p>List on 09.01.2017 for further hearing.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>LN/</p>

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ORDER SHEET
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Court No. 1 (List A)

O.A. No. 197 of 2015

Shubham Yadav

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>06.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Wg Cdr Sardul Singh, OIC Legal Cell. Shri K.K.S.Bisht, learned counsel for the applicant is reported to be out of station. List this case for hearing on 21.04.2017.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>LN/</p>

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

M.A. No. 2413 of 2016 In re O.A. No. Nil of 2016
and M.A. No. 17 of 2017

Akil Ahmed Ansari 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>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.P. Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p><u>M.A. No. 17 of 2017</u></p> <p>Objection filed by the respondents on application for condonation of delay is taken on record.</p> <p>M.A. No. 17 of 2017 is disposed of.</p> <p>Ld. Counsel for the applicant may file replication within four weeks.</p> <p><u>M.A. No. 2413 of 2016</u></p> <p>List the case on 13.04.2017 for disposal of M.A.</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>

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Court No. 1 (List A)

M.A. No. 2517 of 2016 In re O.A. No. Nil of 2016
And M.A. No. 16 of 2017

Raj Kumar Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</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 Manish Mishra, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 16 of 2017</u></p> <p>Objection filed by the respondents on application for condonation of delay is taken on record.</p> <p>M.A. No. 16 of 2017 is disposed of.</p> <p>Ld. Counsel for the applicant may file replication within four weeks.</p> <p style="text-align: center;"><u>M.A. No. 2517 of 2016</u></p> <p>List the case on 13.04.2017 for disposal of M.A.</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>

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

EX-A. No. 176 of 2016 In re T.A. No. 721 of 2010 &
M.A. No. 18 of 2017

Jai Prakash Singh Petitioner
By Legal Practitioner for the Petitioner
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri B.P. Singh, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>We have heard Ld. Counsel for the petitioner and Ld. Counsel for the respondents assisted by OIC Legal Cell.</p> <p>Ld. Counsel for the respondents submitted that in compliance of order of this Tribunal dated 12.04.2016 the Government has granted sanction and the PPO has been issued. Compliance report has been filed by the respondents.</p> <p>Keeping in view the fact that sanction has been granted by the Government and PPO has been issued, a copy of which has been provided to Ld. Counsel for the petitioner in Court, we direct the bank concerned to make payment to the petitioner in terms of PPO within next one month.</p> <p>With the aforesaid direction, we dispose of the execution application accordingly.</p> <p>M.A. No. 18 of 2017 (compliance report) also stands disposed of.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J)</p>

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EX-A. No. 236 of 2016 In re O.A. No. 370 of 2011

Gaurav Malik

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</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 Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It has been submitted by Ld. Counsel for the respondents that representation preferred by the applicant has been decided. Copy of the decision has been provided to Shri Shailendra Kumar Singh, Ld. Counsel for the applicant.</p> <p style="text-align: center;">In view of the above, since relief has already been granted by the respondents the execution application loses its efficacy.</p> <p style="text-align: center;">It is accordingly rejected.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>anb</p>

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Court No. 1 (List A)

EX-A. No. 1 of 2017 In re T.A. No. 115 of 2011

Hyder Shah

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri R. Chandra, Ld. Counsel for the petitioner and Shri Shyam Singh, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">Order of this Tribunal is dated 06.10.2015. Even after lapse of one year and three months, the order seems to have not been complied with.</p> <p style="text-align: center;">List the case for order on 19.01.2017 to enable Ld. Counsel for the respondents to submit status report.</p> <p style="text-align: center;">It is made clear that in case of non compliance of order dated 06.10.2015 by the next of listing the Tribunal may pass appropriate order.</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>

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Court No. 1 (List A)

M.A. No. 1906 of 2015 In re O.A. No. Nil of 2015

Neeraj Bhatt

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</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. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">Ld. Counsel for the applicant prays for and is granted two weeks' further time to file replication to objection filed by Ld. Counsel for the respondents.</p> <p style="text-align: center;">List the case on 02.03.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>anb</p>

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Court No. 1 (List A)

M.A. No. 201 of 2016 with M.A. No. 801 of 2016 & M.A. No. 844 of 2016
In re O.A. No. 05 of 2017

Rakesh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri V.K. Sharma, Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Ld. Counsel for the respondents and OIC Legal Cell, four weeks further time is granted to file counter affidavit.</p> <p style="text-align: center;">Applicant shall have two weeks' thereafter to file rejoinder affidavit.</p> <p style="text-align: center;">List the case on 17.04.2017 for hearing.</p> <p style="text-align: center;">On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">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>anb</p>

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

O.A. No. 188 of 2013 with M.A. No. 1075 of 2014

Ex Wing Cdr Ashwini Kumar Handa Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</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 S.S. Rajawat, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Affidavits have been exchanged.</p> <p style="text-align: center;">List the case on 16.03.2017 for hearing.</p> <p style="text-align: center;">On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">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>anb</p>

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

T.A. No. 107 of 2011 with M.A. No. 2531 of 2016

Lekh Raj Singh

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Yash Pal Singh, Ld. Counsel for the petitioner and Shri Md. Zafar Khan, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents prays for and is granted a week's time to file objection to the amendment application.</p> <p>List the case on 12.01.2017 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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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (List A)

T.A. No. 62 of 2016

Sudama Singh

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Petitioner in person. Shri Yogesh Kesarwani, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>Shri P.N. Chaturvedi, Ld. Counsel for the petitioner is reported to be suffering from illness.</p> <p>However, as prayed by Ld. Counsel for the respondents, to weeks' further time is granted to file counter affidavit. Rejoinder affidavit may be filed by the petitioner within two weeks thereafter.</p> <p>List the case on 08.03.2017 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>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. 2088 of 2016 with R.A. No. 90 of 2016 In re O.A. No. 26 of 2016

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

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri D.K. Pandey, Ld. Counsel for the applicant - respondent, assisted by Col Kamal Singh, OIC Legal Cell and Shri Sudhir Kumar Singh, Ld. Counsel for the respondent-applicant.</p> <p style="text-align: center;"><u>M.A. No. 2088 of 2016</u></p> <p>This is an application for condonation of delay in filing review application by the respondents. Having heard Ld. Counsel for the parties we condone the delay and proceed to hear the execution application on merit.</p> <p style="text-align: center;"><u>R.A. No. 90 of 2016</u></p> <p>This is an application for review of the order dated 21.07.2016, passed in O.A. No. 26 of 2015.</p> <p>We have heard Ld. Counsel for the parties.</p> <p>The order of the Tribunal dated 21.07.2016 has been passed relying upon order of the Chandigarh Bench of Armed Forces Tribunal. It is well settled that order of co-ordinate Bench is binding.</p> <p>Even otherwise, any other attempt of Court except an attempt to correct an apparent error, or an attempt not based on any ground mentioned in Order 47 Rule 1 and 2 CPC, would amount to an abuse of power to review its judgment, vide, (1999)</p>

9 SCC 596 ***Ajit Kumar Rath, Vs. State of Orissa.***

It must be borne in mind that review is perfectly distinguished from an appeal i.e.; quite clear from statutory provision (Order 47 Rule 1 of CPC) that the primary intention of granting a review is the reconsideration of the same subject by the same Judge as contra-distinguished to an appeal which is a hearing before another Tribunal, vide (2005) 2 SCC 334 ***Ishwar Singh, Vs. State of Rajasthan.***

As observed, the jurisdiction conferred under review is not an appellate jurisdiction under the guise of review. No de novo hearing or re-appreciation of evidence is permissible, except where there is error apparent on the face of record, following the principles laid down for reviewing the order under Order-47, Rule-1 of the Code of Civil Procedure, 1908.

Review lacks merits and is **rejected**.

There shall be no orders as to costs.

(Air Marshal Anil Chopra)
Member (A)

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

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

O.A. No. 21 of 2013

Pramod 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>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) R.N. Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>List the case on 09.01.2017 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>anb</small></p>

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

O.A. No. 17 of 2015

Shevendra Kumar Chauhan

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</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. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">Applicant appeared in person and submitted that his counsel Shri P.N. Chaturvedi is not attending Court on account of illness.</p> <p style="text-align: center;">As prayed, list the case on 20.04.2017 for hearing.</p> <p style="text-align: center;">On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">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><small>anb</small></p>

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

O.A. No. 153 of 2016

Vrajesh Kumar Shankhdhar
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>05.01.2017</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 Mohd Zafar Khan, learned counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the applicant, two weeks' further time is granted to file rejoinder affidavit.</p> <p>List the case on 10.04.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis, and list of events.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><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. 1255 of 2010

Atul Kumar Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.01.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">T.A. No. 1255 of 2010, Atul Kumar Yadav vs. Union of India and others is allowed.</p> <p style="text-align: center;">For order, see our order of date passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p style="text-align: right;">(Justice D.P. Singh) Member (J)</p>