

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Supl.SI. No. 1)

O.A. No. 1241 of 2023

Ex MCPO I (US) (Hon Sub Lt) Trilok Singh Indolia Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate
Shri Prashant Kumar Srivastava, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Dr. Gyan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.2. On the case being taken up for hearing, Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.3 This Original Application has been filed by the applicant for reconsideration in grant of Hony Lt Rank and consequential monetary and other service benefits.4. There is no delay in filing the application.5. Matter needs adjudication.6. Admit.7. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.8. List on 05.12.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Supl.SI. No. 2)

O.A. No. 1242 of 2023 with M.A. Mo. 1758 of 2023

Col Sanjay Khanduri (Retd)

Applicant

By Legal Practitioner for the Applicant:

Col RC Jain (Veteran), Advocate
Shri Raj Kumar Mishra, Advocate
Ms. Divya Jain, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents:

Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>2. On the case being taken up for hearing Col RC Jain (Veteran), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p><u>M.A. Mo. 1758 of 2023</u></p> <p>3. This is an application for condonation of delay in filing Original Application. There is delay of 09 months and 08 days in filing Original Application for which application for condonation of delay has been filed.</p> <p>4. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>5. Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>6. Considering that in pensionary matters bar of limitation is not applicable being recurring cause of action and ground shown is sufficient, delay in filing Original Application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 1242 of 2023</u></p> <p>7. Matter needs adjudication.</p> <p>8. Admit.</p> <p>9. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit, to which rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p>10. List on 11.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Supl.SI. No. 3)

O.A. (A) No. 1245 of 2023 with M.A. No. 1768 of 2023

Sep Raj Karan Singh (Dismissed) Appellant
By Legal Practitioner for the Applicant: Shri Ravi Kumar Yadav, Advocate
Shri Saurabh Yadav, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Namit Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the Appellant and Shri Namit Sharma, Ld. Counsel for the respondents are present.3. This Original Application (Appeal) has been filed against the findings dated 19.08.2023 and sentence dated 20.08.2023 passed by District Court Martial (DCM).4. Matter needs adjudication5. Admit.6. Respondents prays for and are directed to seek instructions and file objection, if any, within two weeks.7. Appellant, who is lodged in jail, has also moved application for grant of bail for which respondents may file objection within two weeks.8. List on 26.10.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

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

Court No. 2 (Sl. No. 1)

O.A. No. 1239 of 2023 with M.A. No. 1755 of 2023

Smt Nikita Rai w/o Late Rfn Prasanna Rai Applicant

By Legal Practitioner for the Applicant: Shri Virat Anand Singh, Advocate
Shri Narendra Kumar Mishra, Advocate
Shri Rahul Dev Tripathi, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>2. On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant is present. Shri Sunil Sharma, Ld. Counsel for the respondents appeared through video conferencing.</p> <p><u>M.A. Mo. 1755 of 2023</u></p> <p>3. This is an application for condonation of delay in filing Original Application. There is delay of 02 months and 10 days in filing Original Application for which application for condonation of delay has been filed.</p> <p>4. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>5 Per contra, learned counsel for the respondents opposing the prayer submits that explanation of delay offered by the applicant is not sufficient and he has failed to offer day to day explanation of delay.</p> <p>6. Considering that in pensionary matters bar of limitation is not applicable being recurring cause of action and ground shown is sufficient, delay in filing Original Application is condoned. Delay condonation application stands disposed of.</p> <p><u>O.A. No. 1239 of 2023</u></p> <p>7. This O.A. has been filed for grant of ex-gratia compensation of Rs 25 Lakhs.</p> <p>8. Matter needs adjudication.</p> <p>9. Admit.</p> <p>10. Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>11. List on 01.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 2)

M.A. No. 1753 of 2023 with M.A. No. 1754 of 2023 Inre O.A. No. 402 of 2023

Union of India & Others Applicants-Respondents
By Legal Practitioner for the Applicants: Shri RC Shukla, Advocate

Versus

Smt Maya Kumari Chhetri
W/o Late Ex Hav Chitra Bahadur Limbu Respondent
By Legal Practitioner for Respondent : Shri , Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Shri RC Shukla, Ld. Counsel for the applicants–respondent on the application for leave to appeal.</p> <p><u>M.A. No.1753 of 2023</u></p> <p>2. This is an application for condonation of delay in filing application for leave to appeal.</p> <p>3. There is delay of 07 days in filing leave to appeal.</p> <p>4. Submission of learned counsel for the applicants-Union of India & Others is that delay in filing leave to appeal is not deliberate, but for the reasons of time taken by the department in processing the case for filing of the present application, delay of 07 days is condonable in filing application for leave to appeal.</p> <p>5. We have gone through the affidavit filed in support of delay condonation application and find that the grounds and reasons shown in the accompanying affidavit for condonation of delay seem sufficient and therefore, delay in filing application is condoned. Delay condonation application stands disposed off.</p> <p><u>M.A. No. 1754 of 2023</u></p> <p>6. This application has been filed under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 31.08.2023 of this Tribunal passed in Original Application No. 402 of 2023.</p> <p>7. After perusing the order impugned, we find that no much or less point of law of general public importance is involved for grant of leave to appeal.</p> <p>8. Accordingly, leave to appeal is rejected.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 3)

O.A. No. 304 of 2022

Ex Gnr Ram Tej Pandey Applicant
By Legal Practitioner for the Applicant: Shri Ganesh Dutt Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Ganesh Dutt Singh, Ld. Counsel for the applicant is present. Shri Sunil Sharma, Ld. Counsel for the respondents appeared through video conferencing.</p> <p>2. Let fresh notice be issued to respondent No 4 returnable within four weeks. Steps to be taken within a week.</p> <p>3. Applicant is directed to provide correct address of respondent No 4 within a week.</p> <p>4. List on 15.12.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 4)

O.A. No. 268 of 2023

Ex Sub Mangala Prasad Shukla Applicant
By Legal Practitioner for the Applicant: Shri Vinay Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>2. Rejoinder affidavit has not been filed. Learned counsel for the applicant prays for and is granted a week's further time to file rejoinder affidavit.</p> <p>3. List on 03.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 5)

O.A. No. 354 of 2023 with M.A. No. 408 of 2023

Driver Engine Static Tula Ram S/o Late Puran Singh Applicant
By Legal Practitioner for the Applicant: Shri Vivek Tripathi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Vivek Tripathi, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.2. Objection filed on behalf of the respondents is taken on record.3. Learned counsel for the applicant prays for and is granted two weeks time to file reply to the objection, if any.4. List on 17.11.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 6)

O.A. No. 399 of 2023

Ex WO Ganesh Shanker

Applicant

By Legal Practitioner for the Applicant: Shri R Chandra, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri JN Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Yashpal Singh, Advocate holding brief of Shri R Chandra, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present.</p> <p>2. Despite grant of two opportunities, rejoinder affidavit has not been filed. Brief holder prays for and is granted two weeks further time, as last opportunity to file rejoinder affidavit.</p> <p>3. List on 23.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 7)

O.A. No. 434 of 2023

Ex Hav Tikendra Applicant
By Legal Practitioner for the Applicant: Shri KP Datta, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Vishwesh Kumar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.2. Counter affidavit has not been filed.3. Learned counsel for the respondents prays for and granted four weeks further time as last opportunity to file counter affidavit.4. List on 08.12.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 8)

O.A. No. 504 of 2023

Ex Nb Sub Ramakant

Applicant

By Legal Practitioner for the Applicant: Shri Dilip Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri RC Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing, Shri Dilip Pandey, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.2. Counter affidavit has not been filed.3. Learned counsel for the respondents submits that parawise comments are still awaited. He prays for and is granted four weeks further time to file counter affidavit.4. Interim relief granted earlier is extended till further orders.5. List on 08.12.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 9)

O.A. No. 630 of 2023

Ex Sep Vikash Shrivastava Applicant
By Legal Practitioner for the Applicant: Shri Ashok Kumar, Advocate
Shri Pramod Kumar Tripathi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri JN Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Ankur Rawat, holding brief of Shri Ashok Kumar, Ld. Counsel for the applicant and Shri JN Mishra, Ld. Counsel for the respondents are present.2. Counter affidavit filed on behalf of the respondents is taken on record.3. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks.4. List on 23.11.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 10)

O.A. No. 632 of 2023

Ex Sep Dharmendra Tyagi Applicant
By Legal Practitioner for the Applicant: Shri Ashok Kumar, Advocate
Shri Pramod Kumar Tripathi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Bipin Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Ankur Rawat, Advocate holding brief for Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.2. Counter affidavit filed on behalf of the respondents is taken on record.3. Rejoinder affidavit, if any, may be filed within two weeks.4. List on 28.11.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 11)

O.A. No. 634 of 2023

Ex Sep Anurag Applicant
By Legal Practitioner for the Applicant: Shri Ashok Kumar, Advocate
Shri Pramod Kumar Tripathi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Anurag Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>2. Counter affidavit filed on behalf of the respondents is taken on record.</p> <p>3. Rejoinder affidavit, if any, may be filed within two weeks.</p> <p>4. List on 20.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 (Sl. No. 12)

O.A. No. 673 of 2023

Ex Sep Siya Ram Applicant
By Legal Practitioner for the Applicant: Shri Bhupal Singh Rathore, Advocate
Shri Ashish Kumar Srivastava, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri RC Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri RC Shukla, Ld. Counsel for the respondents No. 1 to 5 is present. None is present for the applicant.2. Counter affidavit filed on behalf of the respondents No. 1 to 5 is taken on record.3. Let notice be issued to respondent No 6, i.e. Senior Treasury Officer, Farrukhabad, returnable within four weeks. Steps to be taken within a week.4. List on 08.12.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 Sl. No. 13)

O.A. (A) No. 930 of 2023 with M.A. No. 1459 of 2023

Ex Sub MK Dubey Applicant
By Legal Practitioner for the Applicant: Shri Rahul Mishra, Advocate
Shri Vatsaly Srivastava, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p><u>M.A. No. 1459 of 2023</u></p> <p>1. Heard Shri Vatasly Srivastava, learned counsel for the appellant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>2. Learned counsel for the appellant has filed this application under Section 15 (3) of Armed Forces Tribunal Act, 2007 read with Section 389 (3) of the Code of Criminal Procedure Code and Rule 25 of the Armed Forces Tribunal Rules and Procedure, 2008 for release of the appellant during pendency of this O.A. (A) filed by him against order of conviction and sentence dated 09.09.2022 passed in General Court Martial (GCM) and its confirmation order dated 02.05.2023 by which appellant has been sentenced for three years rigorous imprisonment and dismissal from service.</p> <p>3. The case against the appellant is that while being posted as Senior Junior Commissioned Officer In-charge Medical Store, Base Hospital, Lucknow, he misappropriated property belonging to Govt, committed forgery by preparing false documents with intent to defraud and instigated other employees for commission of offence under Section 52 (1) of the Army Act, 1950. The appellant underwent GCM on the above charges and was dismissed from service and to suffer rigorous imprisonment for 3 years after charges were found proved.</p> <p>4. Learned counsel for the appellant submitted that appellant has been falsely implicated in this case and findings recorded by GCM are based on the charges levelled against him on unreliable evidence. He further submits that GCM proceedings were conducted in most illegal, arbitrary manner and in violation of Section 122 of Army Act. Learned counsel for the applicant further submits that appellant has already undergone more than 22 months</p>

imprisonment for the offence out of total sentence of 3 years imprisonment. He is in continuous custody since 15.11.2021, therefore, he has already served out more than 50% of punishment awarded to the appellant.

5. Learned counsel for the respondents vehemently opposed the prayer of bail of the appellant and submitted that appellant has remedy under Section 164 (2) of the Army Act, 1950 to submit application to the Central Govt against the findings of the GCM and its confirmation. He has not availed alternative remedy before approaching the Tribunal. The nature of the offence for which sentence has been awarded to the appellant are serious in nature and there is no justification for releasing the appellant on bail during pendency of the O.A. (A).

6. We have carefully considered the submission of learned counsel for the parties.

7. Appellant has been sentenced for 3 years rigorous imprisonment and dismissal from service. It is not disputed that he is under incarceration since 15.11.2021 and is in custody and has undergone for more than half of the sentence awarded to him. It may take some time in final disposal of the case therefore, without going in merits of the case and also keeping in view the fact that appellant has already served out about half of the sentence imposed by the GCM, we find that the appellant may be released on bail during pendency of O.A. (A). We find substance in submission of learned counsel for the appellant that in case appellant is not granted bail then appeal shall be rendered infructuous.

8. Accordingly, the appeal is **allowed** and remaining sentence is hereby suspended.

9. Appellant shall be released on bail on his furnishing a personal bond of Rs 50,000/- with two sureties each in the like amount to the satisfaction of the Registrar of this Tribunal. On furnishing sureties, as stated above, registrar shall then issue the release order, which in turn will be conveyed to the concerned Jail Superintendent, wherein the appellant is presently confined serving out his sentence.

10. After the release of the appellant, the bail bonds furnished for his release, shall be kept on record with the main record.

11. M.A. No 1459 of 2023 is disposed off, accordingly.

O.A. (A) No. 930 of 2023

12. List on **13.12.2023**.

(Maj Gen Sanjay Singh)
Member (A)

(Justice Anil Kumar)
Member (J)

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 Sl. No. 14)

O.A. No. 230 of 2017

Smt Urmila Devi Chauhan Applicant
By Legal Practitioner for the Applicant: Shri Pankaj Kumar Shukla, Advocate
Shri Yashpal Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri Yogesh Kesarwani, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>2. On request of learned counsel for the applicant, hearing in the case is adjourned for clarification on some points while considering grant of honorary commission.</p> <p>3. List on 02.11.2023.</p> <p>4. Respondents are directed to retain original record for perusal on next date of listing.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 Sl. No. 15)

O.A. No. 324 of 2017

TD Kolekar Applicant
By Legal Practitioner for the Applicant: Col Ashok Kumar (Retd), Advocate
Shri Rohit Kumar, Advocate

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents: Shri Kaushik Chatterji, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing none is present for the applicant before the Bench. Shri Kaushik Chatterji, Ld. Counsel for the respondents is present.</p> <p>2. It is informed that a message has been received online from Shri Rohit Kumar, Ld. Counsel for the applicant, with prayer to adjourn the case today.</p> <p>3. Learned counsel for the respondents vehemently opposed the prayer and submitted that it is a very old case. However, on request of learned counsel for the applicant, the case is adjourned for the day.</p> <p>4. List on 02.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 Sl. No. 16)

O.A. No. 374 of 2019

Sgt Sarwan Kumar Applicant
By Legal Practitioner for the Applicant: Shri Yashpal Singh, Advocate
Shri SC Yadav, Advocate

Versus

Chief of Air Staff Others Respondents
By Legal Practitioner for Respondents: Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>2. Applicant has moved application for amendment in Original Application in which it is stated that during pendency of present case, some new developments including issue of dismissal order have taken place and as such, the Original Application needs to be amended to bring on record those developments.</p> <p>3. Learned counsel for the respondents has filed objection against the amendment application of the applicant against which reply has been filed by the applicant.</p> <p>4. Learned counsel for the applicant has submitted that Original Application was initially filed in the month of July 2019 challenging the Show Cause Notice dated 10.06.2019 and findings and recommendation of the Court of Inquiry dated 10.04.2019. The counter affidavit has been filed on 14.09.2021 on behalf of the respondents. In the meantime, order dated 27.01.2021 has been passed by the respondent No. 2 for dismissal of the applicant. It is submitted by learned counsel for the applicant that after dismissal order dated 27.01.2021, the applicant submitted an application dated 08.02.2021 to various authorities for withdrawal of the said order and when applicant could not get any response on said application, he submitted reminders on 17.06.2021 and 15.12.2021. Earlier counsel of the applicant Shri PK Kushwaha become seriously ill and has been suffering from the serious ailment when applicant engaged the present counsel. Therefore, some delay occurred in filing the amendment application.</p> <p>5. It is submitted by learned counsel for the respondents that by proposed amendment the very nature of the case will be changed. Application has been moved at very belated stage and in garb of amendment, applicant is indirectly</p>

trying to overcome the provision of Section 22 of the Armed Forces Tribunal Act, 2007 which provides limitation to file application against any cause.

6. We have considered submissions of learned counsel of the parties and averments made in the amendment application, objection of respondents and reply filed by the applicant.

7. The O.A. has been filed by the applicant on 05.07.2019 for following relief :-

(i) Quash the impugned show cause notice dated 10.06.2019 issued on the basis of court of enquiry.

(ii) To quash the findings and recommendation/court of enquiry dated 10.04.2019.

(iii) Direct the respondents to conduct further and appropriate enquiry after affording opportunity of hearing and cross examination of witness No. 3 to 13 and also verify genuineness of the documents produced therein.

(iv) To direct the respondents to verify the genuineness of the High School certificate of the applicant from the Bihar School Examination Board, Patna.

(v) Pass such other and further order which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(vi) Allow the Original Application with costs.

Against the averment in the O.A., detailed counter affidavit has been filed by the respondents on 14.09.2021. Now, by means of proposed amendment, applicant intends to challenge dismissal date 27.01.2021 which will change the very nature of the case and also cause of action.

8. In Section 22 of the AFT Act, 2007 limitation is provided for moving the application against any order. The order of dismissal has been passed on 27.01.2021 and this amendment application has been moved on 09.05.2023 at a belated stage, we find substance in submission of learned counsel for the respondents that in garb of amendment the applicant is indirectly trying to overcome the provision of limitation.

9. We are of the view that there is no sufficient ground to allow the application and it is liable to be rejected.

10. Accordingly, amendment application is **rejected**.

11. List on **28.11.2023**.

(Maj Gen Sanjay Singh)
Member (A)

(Justice Anil Kumar)
Member (J)

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 Sl. No. 17)

O.A. No. 607 of 2020

Ex Sep Prem Singh Applicant
By Legal Practitioner for the Applicant: Shri KKS Bisht, Advocate
Shri Dinesh Kumar Pushpakar, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Shri RC Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri KKS Bisht, Ld. Counsel for the applicant appeared through video conferencing. Shri RC Shukla, Ld. Counsel for the respondents is present.</p> <p>2. Respondents were directed to file supplementary counter affidavit annexing therewith all the annexures mentioned in counter affidavit but supplementary counter affidavit has not been filed.</p> <p>3. Learned counsel for the respondents prays for and is granted two weeks further time, as last opportunity, to file supplementary counter affidavit.</p> <p>4. List on 08.11.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 Sl. No. 18)

O.A. No. 691 of 2022

Smt Om Prabha Devi M/o Late Ex Sigmn Sachin Kumar Pal Applicant
By Legal Practitioner for the Applicant: Shri KKS Bisht, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents: Dr. Chet Narayan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri KKS Bisht, Ld. Counsel for the applicant (through video conferencing) and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.2. Arguments concluded.3. Judgment reserved. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2 Sl. No. 19)

T.A. No. 37 of 2016

KN Dwivedi

Petitioner

By Legal Practitioner for the Petitioner: Shri KN Dwivedi, In Person
Shri KKS Bisht, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents: Shri Ashish Kumar Singh, Advocate
Shri DC Lohumi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2023</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri KKS Bisht, Ld. Counsel for the petitioner appeared through video conferencing. Shri Ashish Kumar Singh, Ld. Counsel for the respondents is present.2. Learned counsel for the applicant prays for adjournment of hearing for better preparation of the case.3. As prayed, hearing of the case is adjourned for the day.4. List on 12.12.2023. <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Anil Kumar) Member (J)</p> <p>SB/RSP</p>