

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

M.A. No. 2636 of 2016 Inre O.A. (A). No. Nil of 2016

Dinesh 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>06.12. 2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed today in court by Dr. Shesh Narain Pandey as counsel for the respondents is taken on record.</p> <p style="text-align: center;">Present : Ms Navita Sharma, Ld Counsel for the applicant and Dr. Shesh Narain Pandey, Ld. Counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Dr. Shesh Narain Pandey, Ld. Counsel for the respondents, six weeks' time is granted for filing objection on application for condonation of delay.</p> <p style="text-align: center;">Ld. Counsel for the applicant may file replication within next two weeks.</p> <p style="text-align: center;">List the case on 14.02.2017 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. 2

O.A. No. 310 of 2016

Surendra 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>06.12.2016</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 Rajat Pratap Singh, Ld. Counsel for the applicant, and Shri Amit Jaiswal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Memo of appearance filed by Ld. Counsel Shri Amit Jaiswal, on behalf of respondents is taken on record.</p> <p>Grievance of the applicant is that he has been denied promotion to the next rank of Sub Maj on unfounded grounds and was superseded by his juniors.</p> <p>Feeling aggrieved on the part of the respondents, the applicant had submitted statutory complaint dated 13.10.2016 which seems to be pending.</p> <p>Keeping in view the fact that statutory complaint of the applicant is pending, there appears no reason to proceed further in the matter since still it is open to the competent authority to adjudicate the controversy.</p> <p>Accordingly the O. A. is disposed of at the admission stage with directions to the competent authority to decide the statutory complaint of the applicant in accordance with law by passing a speaking and reasoned order, expeditiously, say within two months from the date of presentation of a certified copy of this order.</p> <p>O.A. is disposed of accordingly.</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 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. 2

O.A. No. 311 of 2016 with M.A. No. 2640 of 2016

Dinesh Chandra 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>06.12.2016</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 Shri Bhanu Pratap Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Memo of appearance filed by Ld. Counsel Shri Bhanu Pratap Singh on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Let counter affidavit be filed by respondents within four weeks.</p> <p style="text-align: center;">Applicant may file rejoinder affidavit within next two weeks. List the case on 24.01.2017 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>anb</p>

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

M.A. No. 2633 of 2016 with M.A. No. 2634 of 2016
Inre T.A. No. 37 of 2013

Triloki Nath 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>06.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri V.P. Pandey, Ld. Counsel for the petitioner, and Shri G.S. Sikarwar, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Memo of appearance filed by Ld. Counsel Shri G. S. Sikarwar on behalf of respondents is taken on record.</p> <p style="text-align: center;"><u>M.A. No. 2633 of 2016</u></p> <p style="text-align: center;">This is an application for condonation of delay under Section 5 of the Limitation Act in filing application for leave to appeal. Shri G. S Sikarwar, Ld. Counsel for the respondents vehemently opposed the application on the ground of delay.</p> <p style="text-align: center;">Admittedly, the application has been preferred after lapse of statutory period. The Tribunal lacks jurisdiction to condone the delay. In view of above, application for condonation of delay in filing application for leave to appeal is rejected.</p> <p style="text-align: center;"><u>M.A. No. 2634 of 2016</u></p> <p style="text-align: center;">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) (Justice D.P. Singh) Member (A) 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. 2

Dy. No. 2091 of 2015 with M.A. No. 1851 of 2016

Diwan 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>06.12.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Anand Sharan, Ld. Counsel for the applicant, and Mrs. Appoli Shrivastava, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Shri Anand Sharan, Ld. Counsel for the applicant submits that he has not received instructions from the applicant to prosecute the present case; hence he does not intend to further prosecute the matter.</p> <p>Registry shall issue notice to applicant to engage other counsel or make alternative arrangement in case he intends to pursue the matter.</p> <p>List the case on 14.02.2017 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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2

M.A. No. 48 of 2016 with M.A. No. 1214 of 2016 & M.A. No. 1677 of 2016
Inre O.A. No. Nil of 2016

Rajendra 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>06.12.2016</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. Pandey, Ld. Counsel for the applicant, and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Ld. Counsel for the applicant is not prepared with the case. As prayed, list the case again 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>

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

M.A. No. 131 of 2016 with M.A. No. 2390 of 2016

Raj 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>06.12.2016</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 O.P. Kushwaha, Ld. Counsel for the applicant, and Mrs. Amrita Chakraborty, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;">Rejoinder affidavit filed today by learned counsel for the Applicant is taken on record.</p> <p style="text-align: center;">List this case for hearing on 07.02.2017.</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. 2

O.A. No. 248 of 2011

Mohd Arif

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>06.12.2016</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 applicant and Mrs. Amrita Chakraborty, Ld. Counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>List the case again on 21.12.2016 for orders in terms of order dated 30.11.2016.</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. 2

O.A No. 21 of 2015

Maj Saurabh Dutt

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>06.12.2016</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 : Applicant in person and Dr. Shailendra Sharma Atal, learned Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell and Col J.G..Manhas and Shri R.P.Verma learned counsel for the respondent no 6.</p> <p>Present Application has been filed by the Applicant in person assailing the orders dated 12.05.2014 and 26.11.2014 passed by respondent no 4.</p> <p>We have heard the Applicant in person as also learned counsel for the respondent no 6. Respondent no. 6 is also present in person assisted by her counsel.</p> <p>In the instant case, both the parties who entered into wedlock on 03.12.2009 are now horn-locked and are living separately. They have a daughter namely Km Dhairya born out of their wedlock..</p> <p>We called both the sparring parties in chambers in the presence of counsel and tried to elucidate their viewpoints whether they would be willing to be reconciled to lead an amicable married life or not, putting aside their past marital discord. We gave patient hearing to both the parties and heard their viewpoints. Initially, both the parties ventilated their mutual grievances and released their pent up feelings.</p> <p>Having heard both the parties, we got inkling that there is a chance for the parties to reconcile their grievances and mutual</p>

marital discord. This inkling gave us encouragement to try mediation to resolve the mutual discord and to exercise power conferred under section 89 C.P.C for settlement of marital discord through mediation in the fond hope that it would be better for the future of the four year child if both the parties start a new lease of life for the sake of their child.

We have also heard the father of the girl/respondent no 6 and tried to elucidate his point of view before trying for settlement between the feuding parties. The father of the girl did not object to settlement between the feuding parties.

With the consent of both the parties, we are passing the following order.

(1) To begin with, Applicant shall take the initiative and would visit his in-laws House where the respondent no 6 is residing alongwith her 4 years old daughter and live with his wife at her residence for about a week between 12th December 2016 to 24th December 2016. This is intended to encourage the parties to put aside the past bitter disputes and start a new lease of life for the future of their daughter. Both the parties have undertaken to be respectful to each other and take care of sensibilities of each other. We are told that under section 32 of the Army Act, the Army would be ready and willing to grant leave to the Applicant looking to the broken relationships between the parties. Col Manhas who is present in the chamber assured the Court he would speak to the authority that be to grant requisite leave to the Applicant as desired by the Court.

(2) Immediately after 24th December 2016, the respondent no 6 shall accompany the Applicant to the place of his posting at Secundrabad where she would live with the Applicant for two weeks alongwith daughter.

(3) During the course of stay of respondent no 6 with her husband at Secundrabad, the Army authorities are directed to ensure that both the parties live together in complete harmony and maintain marital cordiality without any ruckus from any side attended with ensuring that no untoward incident happens to the respondent no 6. To be precise, a close watch shall be kept to ensure that both the parties live together in complete harmony

and maintain martial cordiality for which an officer shall be deployed to watch the behaviour and conduct of the Applicant with respondent no 6 and vice versa who shall prepare a report which shall be verified and submitted to this tribunal on the next date fixed for perusal of the Bench. The report shall also contain the view of the superior officer indicating whether both the parties are willing to live together maintaining martial cordiality.

The purpose of the aforesaid order is to make it convenient for the Applicant and the respondent no 6 to repair their broken relationship so that both may start a new lease of life forgetting their past discord.

So far as maintenance is concerned, it is directed that till further orders by this Court, the respondent no 6 shall open an account at Secundrabad in which the entire maintenance shall be transferred from the salary of the Applicant.

List this case on 25.01.2017 on which both the parties shall appear again in person. It is desirable that parents of both the parties may also appear on the next date fixed.

Let a copy of this order be supplied to OIC Legal Cell today.

Mrs Appolli Srivastava who is a trained Mediator is appointed to assist both the parties in resolving their marital discord.

(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. 2

O.A. No. 254 of 2016

Rashid Ali

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>02.12. 2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Dr. Sanjay Kumar Singh, Ld Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the respondents, four weeks' further time is granted for filing counter affidavit. Rejoinder affidavit may be filed by Ld. Counsel for the applicant within next two weeks.</p> <p>Ld. Counsel for the applicant clarifies the position that officiating period of BSO was from March 2011 to Sep 2012 only, hence no inquiry could have been held.</p> <p>List the case on 25.01.2017 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>

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

T.A. No. 6 of 2014 with M.A. No. 2163 of 2015

Sepoy Ramesh Prasad 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>06.12.2016</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 Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the petitioner, a week's further time is granted to file amended of the T.A. with due service on Ld. Counsel for the respondents.</p> <p>Thereafter, the respondents shall file counter affidavit to the amended T.A. within four weeks.</p> <p>Petitioner shall have two weeks thereafter to file rejoinder affidavit.</p> <p>List the case on 14.02.2017 for peremptory 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>anb</p>

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

O.A. No. 200 of 2013

Dinesh 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>06.12. 2016</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 Yash Pal Singh, Ld Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">List the case on 23.01.2017 for hearing to enable Ld. Counsel for the respondents to receive instruction with regard to averments contained in para 4.29 of the O.A.</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>

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

O.A. No. 272 of 2013

Pravat Kumar Behuria

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>06.12. 2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri S.S. Rajawat, 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>In terms of earlier order, learned counsel for the respondents was directed to supply photo copies of court of inquiry proceedings and summary of evidence. Today, learned counsel for the respondents has supplied copies aforesaid of the documents to learned counsel for the Applicant in the course of hearing.</p> <p>Learned counsel has prayed for time in order to enable him to study the documents supplied today.</p> <p>As prayed, list this case on 23.12.2016 for further hearing.</p> <p>.</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. 2

T.A. No. 31 of 2012 with M.A. No. 2007 of 2015
& M.A. No. 2486 of 2016

Shatrughan Singh Chauhan 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>06.12.2016</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) R.N. Singh & Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the petitioner and Mrs. Appoli Shrivastava, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Though argument had already been concluded on the last date and today's date was fixed for filing of written note/case-laws etc but learned counsel for the respondents has filed affidavit enclosing therewith certain documents. The same is taken on record.</p> <p>In pursuance of request, Learned counsel for the Applicant has also brought on record copies of certain documents. Learned counsel for the respondents has demanded copies of those documents filed by learned counsel for the Applicant. As a matter of fact, those documents are already on record in different affidavits. For convenience sake, let copies of the documents be supplied to Shri Ashit Chaturvedi, Senior counsel appearing for the respondents. Learned counsel for the Applicant has agreed to supply copies of documents to him.</p> <p>Since arguments have already been concluded, the judgment/order is reserved.</p> <p>Learned counsel for the respondents may submit entire original record in sealed covered which may be delivered to the</p>

Registrar of this Tribunal by 12.12.2016.

If any of parties may like, they may file their written submissions by 12.12.2016.

(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. 2

O.A. No. 492 of 2012

Bans Raj 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>06.12. 2016</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 Kant Mishra, Ld Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>List the case on 20.01.2017 for hearing to enable Ld. Counsel for the respondents to produce original record in terms of order dated 18.10.2016.</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>anb</p>

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

O.A. No. 86 of 2016 Alongwith O.A. No. 145 of 2016
& O.A. No. 148 of 2016

Abhay Patel, Ashish Tiwari & Deepak Khetwan Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.12.2016</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 applicants and Shri Yogesh Kesarwani, Shyam Singh, V.P.S. Vats, .Ld. Counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>Learned counsel for the Applicants submits that the Applicants have been discharged in pursuance of the provisions contained in Rule 15 (2) (e) of the Air Forces Rules 1969 whereas the learned counsel for the respondents submits that he has been discharged under Rule 15 (2) (j) of the Air Forces Rules which relates to recruits/trainees. However, learned counsel for the respondents has not brought on record any policy under which the trainees/recruits are sent for training.</p> <p>Let respondents file supplementary affidavit and bring on record the policy pertaining to trainees/recruits of Air Force and other related factual matrix within two weeks. Reply if any, may be filed within two weeks next thereafter.</p> <p>List this case on 04.01.2017 for hearing.</p> <p>This order will govern all the three Applications.</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. 2

O.A. No. 109 of 2016

Amarnath Singh Kharwar

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>06.12. 2016</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 Diwakar Singh, Ld Counsel for the applicant and Shri Siddharth Dhaon, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Counter affidavit filed today in court is taken on record.</p> <p>Rejoinder affidavit if any may be filed within one week.</p> <p>List this petition on 22.12.2016 for final hearing.</p> <p>.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>MH</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2

O.A. No. 182 of 2016

Lt Col Manish 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>06.12. 2016</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) Y.R. Sharma, Ld Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p>As prayed by learned counsel for the respondents, four weeks' time is granted to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks next thereafter.</p> <p>List this case on 18.01.2017 for hearing.</p> <p style="text-align: center;">.</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. 2

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>06.12.2016</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 petitioner and Shri Mukund Tiwari, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>A mention has been made on behalf of learned counsel for the Applicant that Shri Dipak Seth learned counsel for the Applicant who has to argue the case is not well today.</p> <p>On the other hand, respondent no 3 who holds the rank of Colonel and has come from Pune has objected to adjournment submitting that it is the third time that the adjournment has been sought and further that he has to travel all the way from Pune to Lucknow incurring his own expenses.</p> <p>We proposed to the counsel that the case would be adjourned subject to payment of cost on which he requested the case to be passed over in order to enable him to seek instructions from his senior. When the case was taken up in the revised list, he agreed to pay the cost.</p> <p>In view of the above, the case is adjourned subject to payment of cost which we quantify at Rs 5000/- which shall</p>

be released in favour of Respondent no 3 by the next date.

The case is directed to be listed for hearing on 20.02.2017.

(Air Marshal Anil Chopra)
Member (A)

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

MH

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

T.A No. 1036 of 2010

Jaswant 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>06.12.2016</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.K. Mishra, Ld. Counsel for the petitioner and Dr. Chet Narain Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Learned counsel for the Applicant submits that Shri Amarnath Tiwari learned Senior Advocate who has to argue the case has not been able to come over to Lucknow from Allahabad on account of some personal difficulties and prayed for adjournment of the case.</p> <p>In view of the above, the case is adjourned and is directed to be listed for hearing on 20.01.2017.</p> <p>Needless to say that the learned Senior Advocate be intimated to be present positively to argue the case on the next 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>MH</p>

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

Ex-A. No. 234 of 2016 Inre O.A. No. 69 of 2015
alongwith R.A. No. 107 of 2016

Awadhesh 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>05.12.2016</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 Arun Kumar, Ld Counsel for the applicant and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell.</p> <p style="text-align: center;"><u>Review A. No 107 of 2016.</u></p> <p>The present review application has been filed against the order of the Tribunal dated 26.08.2016 in O.A No 69 of 2012 by the respondents on the ground that the order containing direction to reconsider the Applicant's statutory and decide the same by a reasoned and speaking order, has been passed without regard being had to the averments made in the supplementary counter affidavit. Learned counsel for the respondents submits that the order of the Tribunal has been complied with inasmuch as the statutory complaint filed by the Applicant was decided by means of the order dated 29.12.2014.</p> <p>We have gone through the order dated 29.12.2014. In Para 3 of the said order, the crux of what has been decided is reproduced below.</p> <p>“3. I have perused the Statutory Complaint of the JCO and analysed the same in conjunction with relevant rules, policy letters and recommendations of the Intermediary Authorities and viewed it against the redress sought. Considering the facts and circumstances of the case, it</p>

emerges that the JCO's seniority in the rank of Nb Sub has been correctly fixed as 01 Oct 2012 in accordance with extant rules and policies in vogue. These extant rules and policies have been uniformly applied to all similarly placed individuals.

4. I, therefore, direct that the Statutory complaint of the JCO be rejected.”

From a close scrutiny of the order passed by the authority, we are of the view that the order passed by the appropriate authority is not a speaking and reasoned order by any reckoning and thus does not constitute compliance of the order of the Tribunal inasmuch as the points discussed in the order by the authority have already been taken into consideration by the Tribunal in its order dated 26.08.2016. The points which were jettisoned by the Tribunal in its order have been reiterated and formed the basis for deciding the statutory complaint by the authority concerned.

Coming to the merit of the review petition, we are of the view that there appears to be no error apparent on the face of the record to warrant interference with the order impugned in the review petition. Hence review petition being devoid of merit is accordingly rejected.

Ex. A No 234 of 2016

Coming to the Execution Application, since the order passed by the appropriate authority being a cryptic and non speaking order, does not constitute compliance with the order of the Tribunal dated 26.08.2016 and regard being had to the fact that the Applicant is to retire on 31.12.2016, it is directed that fresh order be passed on the statutory complaint on or before 15.12.2016 under intimation to this Tribunal. Let status report be filed by the next date fixed in the case.

List this case on 19.12.2016 for orders.

(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. 2

M.A. No. 2244 of 2016 Inre O.A. (A). No. Nil of 2016 and
M.A. No. 2635 of 2010

Om Prakash

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.12.2016</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 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. 2635 of 2016</u></p> <p>Preliminary objection to the application for condonation of delay filed by Ld. Counsel for the respondents is taken on record.</p> <p>M.A. No. 2635 of 2016 is disposed of.</p> <p style="text-align: center;"><u>O.A. (A). No. Nil of 2016</u></p> <p>Ld. Counsel for the applicant may file replication within two weeks' thereafter.</p> <p>List the case on 06.02.2017 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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2

EX-A. No. 114 of 2016 Inre O.A. No. 222 of 2011
& M.A. No. 2321 of 2016

Rajesh 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>05.12.2016</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 Rohit Kumar, Ld. Counsel for the applicant, and Mrs. Appoli Shrivastava, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 2321 of 2016</u></p> <p>This is an application for clarification of order dated 01.12.2015 moved by the respondents under the teeth to which submission of Ld. Counsel of the applicant is that in view of law settled in the case of <i>State of U.P. Vs. Brahma Datt Sharma</i>, 1987 AIR 943: 1987 SCR (2) 444, miscellaneous application against final order is not maintainable.</p> <p>With liberty to approach appropriate forum, the application being not maintainable, is rejected.</p> <p style="text-align: center;"><u>EX-A. No. 114 of 2016</u></p> <p>Respondents may show cause within four weeks why the order of Tribunal has not been complied with.</p> <p>List the case on 16.01.2017 for orders on execution application.</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. 2

M.A. No. 1916 of 2015

Bal Krishna Tripathi

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>05.12.2016</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.K. Singh, Ld. Counsel for the applicant, and Mrs. Anju Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>As prayed by Ld. Counsel for the applicant, three weeks' further time is granted to file reply to the objection filed by the respondents.</p> <p>List the case on 04.01.2017 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>anb</p>

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

O.A. No. 135 of 2015 with M.A. No. 1992 of 2016

Surendra 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>05.12. 2016</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 Col (Retd) Y.R. Sharma, 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;">We have been informed by Ld. Counsel for the respondents assisted by OIC, Legal Cell that the competent authority has recommended for payment of provision pension.</p> <p style="text-align: center;">Respondents shall ensure to pay provisional pension to the applicant in terms of recommendations made within three weeks and submit status report by next date of listing.</p> <p style="text-align: center;">List the case on 23.12.2016 for orders.</p> <p style="text-align: center;">.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Air Marshal Anil Chopra) Member (A)</td><td style="width: 50%; text-align: center;">(Justice D.P. Singh) Member (J)</td></tr></table> <p style="text-align: left; margin-left: 10px;"><small>anb</small></p>	(Air Marshal Anil Chopra) Member (A)	(Justice D.P. Singh) Member (J)
(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. 2

O.A. No. 169 of 2015

Chanchal Kakoti 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>05.12. 2016</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 Parijaat Belaura, Ld Counsel for the applicant, Shri Dileep Singh, Ld. Counsel for respondents No 6 and 7 and Shri Asheesh Agnihotri, Ld. Counsel for the official respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Case taken up in chamber. Applicant and respondent No 6 appeared in person.</p> <p>We have heard Ld. Counsel for the parties.</p> <p>After discussing at length, and keeping in view that marriage of private respondent's sister is scheduled on 09.12.2016, we defer the proceeding for 12.12.2016.</p> <p>List the case on 12.12.2016 for orders.</p> <p>Applicant and private respondent shall again appear before this Tribunal on said date along with their parents.</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. 2

O.A. No. 303 of 2012

Raj 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>05.12.2016</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 Diwakar Singh, Ld. Counsel for the applicant, and Shri D.K. Pandey, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>On request being made by learned counsel for the Applicant the case is ordered to be put up for further hearing on 07.12.2016.</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. 2

T.A. No. 31 of 2012 with M.A. No. 2007 of 2015
& M.A. No. 2486 of 2016

Shatrughan Singh Chauhan 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>05.12.2016</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) R.N. Singh & Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the petitioner and Mrs. Appoli Shrivastava, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Leal Cell.</p> <p style="text-align: center;">Col (Retd) R.N. Singh concluded his arguments. However, put up on 06.12.2016 for further hearing by rest of the parties.</p> <p style="text-align: center;">Respondents shall submit entire original records to the Registry in sealed cover for perusal of the Bench so that we may look into the case by tomorrow. Case laws shall also be put up to the Tribunal by the next date of listing.</p> <p style="text-align: center;">It shall be open to Ld. Counsel for the parties to enquire about the documents during the course of the day in presence of Bench Secretary.</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>BL</p>

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

T.A. No. 83 of 2012 with M.A. No. 1775 of 2016
& M.A. No. 2139 of 2016

Jyoti Prakash Pandey 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>05.12.2016</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.N. Choubey, Ld. Counsel for the applicant, and Mrs. Anju Singh, Ld. Counsel for the respondents.</p> <p>This case pertains to Indian Navy. Learned counsel for the respondents submits that for want of officer from Navy, it is not possible to argue the case effectively.</p> <p>It has often been seen that whenever case pertaining to Indian Navy is listed, it has to be adjourned either for want of requisite original documents or on account of absence of the officer concerned from the Indian Navy. In future, keeping in view that Court's precious time is not wasted and the case does not suffer procrastination, let a copy of this order be communicated to the Chief of Naval Staff for information and to ensure that some officer from JAG branch is deputed without fail according to the dates fixed in the cases pertaining to Indian Navy.</p> <p>List this case on 22.12.2016 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>MH</p>

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

M.A. No. 2305 of 2015 with M.A. No. 2006 of 2016
Inre O.A. No. Nil of 2015

Suraj Singh Negi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.12.2016</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. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A No 2305 of 2015</u></p> <p style="text-align: center;">This is an Application for condonation of delay.</p> <p>According to the facts on record, the Applicant was discharged on account of being involved and subsequently being convicted in a criminal case vide judgment of the Sessions Judge dated 12.01.2007. Later-on, the Applicant was given clean acquittal by Uttranchal High Court vide judgment dated 18.06.2011.</p> <p>In our view, once the Applicant has been acquitted by the High Court in its appellate jurisdiction, prima facie, there appears to be no justification to keep the Applicant on tenterhook by not restoring him in service. According to learned counsel for the Applicant, the letters exchanged between the Applicant and the authorities concerned on different dates have been brought on record according to which the Applicant has been assured by the respondents that his matter was in active process of consideration. However, no decision has yet been taken by the Authority concerned.</p>

Keeping in view the factual matrix, we are of the view that cause shown for the delay is sufficient. Hence delay in filing the O.A is condoned.

O.A No Nil of 2015.

Admit.

Since counter affidavit has already been filed, let rejoinder affidavit be filed within two weeks.

List this case for hearing on **16.01.2017.**

(Air Marshal Anil Chopra)
Member (A)

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

MH

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

O.A. No. 154 of 2013

Nb Subedar Prashant Kumar Sahoo
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>05.12.2016</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. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Ld. Counsel for the applicant Shri V.A. Singh is not attending the Court today as mentioned on his behalf by Ld. Counsel Col (Retd) Y.R. Sharma. The case is passed over for the day.</p> <p>List again on 20.12.2016 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>anb</p>

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

O.A. No. 213 of 2014

Veer 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>05.12. 2016</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 applicant and Shri Shyam Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Ld. Counsel for the parties.</p> <p>Respondents shall file supplementary affidavit within three weeks to explain when the vacancy arose for the next higher post and when applicant's batch mates were considered for promotion and why the applicant was not considered for promotional avenue in spite of the fact that he was considered in 2013 and was approved. Respondents shall also produce entire record including service profile of the applicant available with them. They shall also file option form which was required to be filed by all persons concerned. Notification relied upon by the respondents shall also be brought on record by the respondents.</p> <p>Supplementary rejoinder affidavit may be filed by Ld. Counsel for the applicant within two weeks thereafter.</p> <p>List the case on 09.01.2017 for hearing in terms of earlier 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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2

O.A. No. 214 of 2014

Chunni Lal 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>05.12. 2016</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 applicant and Mrs. Anju Singh, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Ld. Counsel for the parties.</p> <p>Respondents shall file supplementary affidavit within three weeks to explain when the vacancy arose for the next higher post and when applicant's batch mates were considered for promotion and why the applicant was not considered for promotional avenue in spite of the fact that he was considered and was approved. Respondents shall also produce entire record including service profile of the applicant available with them. They shall also file option form which was required to be filed by all persons concerned. Notification relied upon by the respondents shall also be brought on record by the respondents.</p> <p>Supplementary rejoinder affidavit may be filed by Ld. Counsel for the applicant within two weeks thereafter.</p> <p>List the case on 09.01.2017 for hearing in terms of earlier orders.</p> <p>.</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. 2

O.A. No. 215 of 2014

Rameshwar Dyal

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>05.12. 2016</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 applicant and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Heard Ld. Counsel for the parties.</p> <p>Respondents shall file supplementary affidavit within three weeks to explain when the vacancy arose for the next higher post and when applicant's batch mates were considered for promotion and why the applicant was not considered for promotional avenue in spite of the fact that he was considered and was approved. Respondents shall also produce entire record including service profile of the applicant available with them. They shall also file option form which was required to be filed by all persons concerned. Notification relied upon by the respondents shall also be brought on record by the respondents.</p> <p>Supplementary rejoinder affidavit may be filed by Ld. Counsel for the applicant within two weeks thereafter.</p> <p>List the case on 09.01.2017 for hearing in terms of earlier 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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2

O.A. No. 265 of 2014

Abhishek 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>05.12. 2016</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 Amit Sharma, Ld. Counsel for the respondents, assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>On request made on behalf of Shri T. N. Tiwari, Ld. Counsel for the applicant, the case is adjourned.</p> <p>List again on 22.12.2016 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>anb</p>

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

O.A. No. 103 of 2015

Amar Singh Baliyan

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>05.12. 2016</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 Ashok Singh, Ld Counsel for the applicant and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>Statement has been made by Ld. Counsel for the respondents that record is available. Respondents may file affidavit with regard to compliance of earlier order within two weeks to which applicant may submit reply within a week thereafter.</p> <p>List the case on 11.01.2017 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>We make it open to the respondents to represent their cause by any available counsel..</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. 2

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>05.12. 2016</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 Ashok 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>As prayed by Ld. Counsel for the respondents, two weeks' further time is granted to file supplementary affidavit.</p> <p>Applicant shall have two weeks thereafter to file supplementary rejoinder affidavit.</p> <p>List the case on 11.01.2017 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>.</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. 2

O.A. No. 167 of 2016 with M.A. No. 2177 of 2016

Ramesh Kumar 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>05.12. 2016</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 Sunil Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by Ld. Counsel for the applicant, two weeks' further time is granted to file rejoinder affidavit.</p> <p style="text-align: center;">List the case on 03.01.2017 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 style="text-align: left; margin-left: 10px;"><small>anb</small></p>

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

O.A. No. 260 of 2016 with M.A. No. 2444 of 2016
& M.A. No. 2631 of 2016

Col Ran Singh Dudee 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>05.12. 2016</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 Mrs Appoli Shrivastava, Ld. Counsel for the respondents, assisted by Col Kamal Singh, OIC Legal Cell & Maj Alifa Akbar, AMS (Legal).</p> <p style="text-align: center;">We have heard applicant appearing in person as well as AMS (Legal) and OIC, Legal Cell and perused the records.</p> <p style="text-align: center;">Admittedly the applicant has been given promotion on the post of Lt Col and Time Scale Col. However submission of applicant is that he was unlawfully not empanelled by the Selection Board since Selection Board was required to consider his name for the reason that the Tribunal had directed for providing him all consequential benefits.</p> <p style="text-align: center;">Respondents are granted a week's time to file supplementary affidavit placing on record the entire factual matrix of the case including record Ministry of Defence towards which attention has been invited by the applicant and copy of which has been obtained by him through RTI Act. Respondents shall produce original record of Ministry of Defence as well as opinion of Chief of the Army Staff with regard to present controversy and also record of Selection Board which has not empanelled the applicant.</p> <p style="text-align: center;">Applicant has also invited attention towards file No 19 of 2014-D (MS) of Ministry of Defence copy of which he has received through RTI Act.</p>

Respondents shall also produce said file on the next date of listing for perusal of the Tribunal.

List the case on **12.12.2016** for hearing.

On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.

Ld. Counsel for the parties may submit/exchange synopsis, and list of events.

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(Air Marshal Anil Chopra)
Member (A)

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

anb

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

T.A. No. 23 of 2013

L.M. Butola

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>05.12. 2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri Rakesh Johri, Ld Counsel for the petitioner and Shri Yogesh Kesarwani, 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 petitioner, list the case on 20.12.2016 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>