

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 700 of 2010**

**Anand Kumar Srivastava**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>04.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.K. Bajpai holding brief of Shri M. Shukla, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.K. Bajpai holding brief of Shri M. Shukla, learned counsel for the applicant, states that the sole applicant, viz. Anand Kumar Srivastava, has died during pendency of this case.</p> <p>In view of the statement given by Shri P.K. Bajpai at Bar, this T.A. stands abated.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**M.A. No. 2381 of 2015**

**Nitu Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>04.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Dr. Shailendra Sharma Atal, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;"><b><u>Misc. Application No. 2381 of 2015.</u></b></p> <p>This is an application, filed by the applicant, for condoning the delay in filing the O.A.</p> <p>As per office report, there is a delay of 1 year, 3 months and 24 days in filing the O.A.</p> <p>A copy of this application was given to the Standing Counsel on 18.12.2015, upon which, on 22.12.2015, time was granted to the respondents to file objection, if any. No objection has yet been filed by the respondents. Learned Standing Counsel prays that he be granted further time to file objection. The prayer of learned Standing Counsel stands rejected.</p> <p>Heard learned counsel for the applicant and have gone through the affidavit filed in support of this application. The reasons indicated therein for the delay in filing the O.A. seems to be genuine. Accordingly, this application is allowed and the delay in filing the O.A. is hereby condoned. The office is directed to register the O.A.</p> <p>List this O.A. for admission on 17.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 178 of 2015 with M.A. No. 2258 of 2015**

**Rameshwar Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>04.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Dr. Shesh Narain Pandey on behalf of respondents no. 1 to 6 is taken on record. When the case is next listed, his name shown as counsel for the said respondents.</p> <p>Present: Shri Rakesh Johri, learned counsel for the applicant, and Dr. Shesh Narain Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;"><b><u>Misc. Application No. 2258 of 2015.</u></b></p> <p>This is an application, filed by the respondents, for taking short counter affidavit on record. The short counter affidavit is taken on record. The application stands disposed of.</p> <p>Heard learned counsel for the parties on admission of this O.A., preferred by the applicant aggrieved against deduction of Rs. 58,282/- wrongly from AFPP Fund on the pretext that the applicant had taken a loan of Rs. 9,000/- from that Fund in the month of September, 1993. The claim of the applicant is that he had never taken Rs. 9,000/- as loan from the AFPP Fund in the month of September, 1993 and the respondents have deducted the aforesaid amount of Rs. 58,282/- towards realisation of Rs. 9,000/- plus interest thereon.</p> <p>In the short counter affidavit, filed by the respondents, it has been admitted that Rs. 58,282/- had wrongly been realised from the applicant and, realising the mistake committed by the respondents, a tender memo of the aforesaid amount has been issued by the respondents to Records AMC for payment to the individual, vide letter dated 15.10.2015.</p>

Learned counsel for the applicant states that the applicant has already received the aforesaid amount of Rs. 58,282/-.

In view of above, no further order is required to be passed on this O.A. Accordingly, this O.A. stands dismissed as infructuous.

(Lt. Gen A.M. Verma)  
Member (A)

(Justice Abdul Mateen)  
Member (J)

PG/-

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 826 of 2010 with M.A. No. 2307 of 2015**

**Smt Veermati Devi**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>04.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri M.K. Mishra, learned counsel for the applicant, and Dr. Shailendra Sharma Atal, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on this T.A., preferred by the petitioner, Smt. Veermati Devi, with the prayer that the order of dismissal dated 9.12.1999, passed against her husband, Indrapal Singh, who was serving in the Army as ALD and was subsequently missing from his Unit since 10.6.1996, treating him to be deserter.</p> <p>It comes out that Indrapal Singh, husband of the petitioner, was appointed in the Indian Army on 17.4.1984 and performed his duties before the date he was declared deserter.</p> <p>According to the petitioner her husband never returned back after 10.6.1996. It has been argued that the petitioner and her children made frantic effort to trace Indrapal Singh, even FIR was lodged, but of no avail. Therefore, it has been argued that a presumption be drawn that Indrapal Singh is no more alive as more than 8 years have elapsed as provided under Section 108 of the Evidence Act, as such the order of dismissal is non-est and illegal and deserves to be quashed.</p> <p>As it comes out from the pleadings of the parties that the petitioner, who happens to be the wife of Indrapal Singh, has filed present writ petition in the year 2000, being Civil Misc. Writ Petition No. 36481 of 2000, before the Hon'ble Allahabad High Court, which has been transferred to this Tribunal and registered as T.A. No. 826 of 2010, and since then uptill date he has not returned his home, as such it reveals that Indrapal Singh has not been heard or traced ever since then and as such presumption of death of</p>

missing person can very well be raised as per provision of Section 108 of the Evidence Act and the date to be taken for awarding the retiral benefits can be said to be the date on which he vanished.

It is also to be seen that presumption of civil death or fictional death under Section 108 of the Evidence Act tantamounts to physical death in the eye of law for giving the widow of an employee pensionary benefits. It is no where the case of the respondents that Indrapal Singh is still alive. Here is a case in hand wherein Indrapal Singh is not available since the year 1996 for about 20 years, as such he has not been heard for more than 7 years. Therefore, presumption may be drawn under Section 108 of the Evidence Act that the husband of the petitioner is presumed to be dead. The presumption of death will arrive, as indicated above, after 7 years of date of last seen in view of the provisions of Section 108 of the Evidence Act which envisages that where a person has not been heard for 7 years by those who would have naturally heard of him if he had been alive, civil death shall be presumed.

While going through the order dated 9.12.1999, annexed as Annexure '15' to the writ petition, we find that the services of Indrapal Singh had been dispensed with treating him to be deserter.

Therefore, in the peculiar facts and circumstances of the case, indicated above, the order of dismissal of Indrapal Singh dated 9.12.1999 cannot be allowed to stand. Accordingly, this T.A. stands allowed partly and the order dated 9.12.1999 dismissing Indrapal Singh from service treating him to be deserter is hereby quashed.

So far as the prayer for grant of family pension is concerned, the petitioner, if so advised, may represent before the authorities concerned within a period of two months from today and if such representation is made by the petitioner, the authorities are directed to dispose of that representation of the petitioner, in accordance with law, within a period of six months thereafter with a reasoned and speaking order.

(Lt. Gen A.M. Verma)  
Member (A)

(Justice Abdul Mateen)  
Member (J)

PG/-

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 126 of 2012 with M.A. No. 2114 of 2015**

**Braj Mohan Patel**  
By Legal Practitioner for Applicant

Applicant

Versus

**Commanding Officer 38 Med Regt**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>04.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Asheesh Agnihotri on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri Yashovardhan Swaroop, learned counsel for the applicant, and Shri Asheesh Agnihotri, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the applicant.</p> <p>According to learned counsel for the applicant, the applicant in the present O.A. along with Gautam Kumar and Baljit Singh were charged under Section 40(a) of the Army Act read with Section 34 IPC and all were subsequently awarded punishment of 2 years' R.I. and dismissed from service. Aggrieved against all the persons, named above, filed O.As. separately before this Tribunal, but later on the O.A. of Baljit Singh has been transferred to the Chandigarh Bench of this Tribunal on the order of the Principal Bench. However, the O.A. filed by this applicant, being O.A. No. 126 of 2012, and the O.A. filed by Gautam Kumar, being O.A. No. 127 of 2012, are pending disposal before this Tribunal.</p> <p>On being asked, learned counsel for the applicant feigned his ignorance to inform this Court as to what is the status of the O.A. filed by Baljit Singh and transferred subsequently to Chandigarh Bench of</p>

this Tribunal. He, therefore, prays for and is granted one month's time to inform this Court the status of the O.A. of Baljit Singh which has been transferred to the Chandigarh Bench of this Tribunal.

List this case for orders/hearing on 28.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.

(Lt. Gen A.M. Verma)  
Member (A)

(Justice Abdul Mateen)  
Member (J)

PG/-



Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 127 of 2012 with M.A. No. 2115 of 2015**

**Gautam Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Commanding Officer 38 Med Regt**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>04.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Amit Sharma on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri Yashovardhan Swaroop, learned counsel for the applicant, and Shri Amit Sharma, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>For orders see our order of date passed in O.A. No. 126 of 2012 (Brij Mohan Patel v. Commanding Officer, 38 Med Regt.).</p> <p>List this case for orders/hearing on 28.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**M.A. No. 203 of 2016**  
**(Inre: O.A. No. Nil of 2016)**

**Goverdhan Vishwakarma**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri Rakesh Johri, learned counsel for the applicant, and Dr. Shailendra Sharma Atal, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><b><u>Misc. Application No. 203 of 2016.</u></b></p> <p>This is an application, filed by the applicant, for condonation of delay in filing the O.A. against the order of dismissal, which as per office report is delayed by 10 years, 6 months and 18 days. Copy of this application has been served upon the respondents on 1.2.2016.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection to the delay condonation application.</p> <p>List this case for orders on 30.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>



Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**M.A. No. 1825 of 2015**  
**(Inre: O.A. No. 192 of 2014)**

**Brijesh Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri Alok Kumar Singh holding brief of Shri R.P. Singh, learned counsel for the applicant, and Dr. Shailendra Sharma Atal, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that inspite of time being granted to the respondents no counter affidavit has been filed. Learned counsel for the respondents prays for and is granted further four weeks' time and no more to file counter affidavit.</p> <p>List this case for orders/admission on 8.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 207 of 2010**

**Jagdish Singh Shekhawat**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Nishant Verma, learned counsel for the applicant, and Shri Asheesh Agnihotri, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This O.A. already stands admitted. The office has wrongly listed this case for admission.</p> <p>List this case for hearing on 24.2.2016 before the appropriate Court having jurisdiction, as per roster of that date. On the said date the respondents will also produce the original record pertaining to this case.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 108 of 2010 with M.A. No. 127 of 2016**

**Barde Devi**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>03.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri V.P. Pandey, learned counsel for the applicant, and Shri R.K.S. Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;">On call of the case learned counsel for the respondents prays for and is granted further three weeks and no more time to file objection to the delay condonation application.</p> <p style="text-align: center;">List this case for orders on 3.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 1377 of 2010**

**Awaneesh Kumar Pandey**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>03.02.2016</b></u> <u><b>Hon'ble Mr. Justice Abdul Mateen, Member (J)</b></u> <u><b>Hon'ble Lt. Gen. A.M. Verma, Member (A)</b></u></p> <p>Memo of appearance filed by Shri Anurag Mishra on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri Yashpal Singh, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>Learned counsel for the respondents states that he has not received the file of the case from Navy. He, therefore, prays that he be given some time to collect the record from the Department and the file of the case.</p> <p>As prayed, list this case for orders/admission on 26.2.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

**M.A. No. 201 of 2016**  
**(Inre: O.A. No. Nil of 2016)**

**Rakesh Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Amit Sharma on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri V.K. Sharma, learned counsel for the applicant, and Shri Amit Sharma, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><b><u>Misc. Application No. 202 of 2016.</u></b></p> <p>This is an application, filed by the applicant, for condoning the delay in filing the O.A., which, as per office report, is delayed by 11 years, 5 months and 25 days.</p> <p>Copy of this application along with the copy of O.A. has been served upon learned counsel for the respondents on 1.2.2016.</p> <p>Learned counsel for the respondents prays for and is granted three weeks' time to file objection, if any.</p> <p>List this case for orders/admission on 30.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG/-</p>



Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 09 of 2015**

**Shamsul Waris**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R.K.S. Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. None is present on behalf of the applicant, neither there is any request to adjourn/pass over the case. Accordingly, T.A. No. 09 of 2015 is dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 220 of 2011 with M.A. No. 2186 of 2015**

**Shyam Kishore**  
By Legal Practitioner for Applicant

Applicant

Versus

**Chief of Army Staff & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Adesh Narain Tripathi on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, and Shri Adesh Narain Tripathi, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;"><b><u>Misc. Application No. 2186 of 2015.</u></b></p> <p>This is an application for amendment, moved by the applicant, by which the applicant is challenging the rejection order passed by the COAS in his petition under Section 164 of the Army Act.</p> <p>On 27.11.2015 this Court had granted six weeks' time to the respondents to file objection to this amendment application, but no objection has been filed.</p> <p>We have gone through the amendment application and it seems that the amendment sought is formal in nature and it will not change the nature of the O.A. Accordingly, this application is allowed. Let amendment be incorporated within a week.</p> <p>List this case for admission on 11.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 37 of 2012**

**Salil Chandra Jagdev**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Asheesh Agnihotri, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Rohit Kumar, Advocate, appeared and stated that Shri Virat Anand Singh, learned counsel for the applicant, has not come to this Court today since his father is not well. Shri Rohit Kumar, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List this case again for hearing on 8.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 1299 of 2010**

**VN Shukla**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Dr. Chet Narain Singh, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties at length.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 43 of 2014**

**Nitesh Rai**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p style="text-align: center;">Allowed.</p> <p style="text-align: center;">For Judgment and Order, see our judgment and order of date passed on separate sheets.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**EX.A. No. 11 of 2016**  
**(Inre: O.A. No. 286 of 2013)**

**Nand Lal Shukla**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Anurag Mishra on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant, and Shri Anurag Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the applicant on this Execution Application, which has been filed by the applicant aggrieved against non-implementation of the judgment and order, passed by this Bench as far back as on 14.5.2015 in O.A. No. 286 of 2013 holding that the applicant is entitled to disability pension. Accordingly, the respondents were directed to grant disability pension to the applicant from his date of discharge, i.e. 30.11.2003, and to pay the arrears to the applicant within three months from the date of service of a certified copy of the aforesaid judgment and order.</p> <p>In any case copy of this Execution Application has been served on the respondents on 28.1.2016. As prayed by learned counsel for the respondents three weeks' time is granted to learned counsel for the respondents to obtain instruction and to inform this Court with respect to compliance of the aforesaid judgment and order dated 14.5.2015.</p> <p>List this case for orders on 24.2.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**M.A. No. 2204 of 2015**  
**(Inre: M.A. 1935 of 2015)**

**Durga Prasad Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Dr. Shesh Narain Pandey on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Dr. Shesh Narain Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri O.P. Kushwaha, Advocate, appeared and stated that Shri Ashok Kumar has not come to this Court today. Shri Kushwaha, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>While going through the record we find that this O.A. has already been dismissed for non-prosecution as far back as on 16.11.2015 and M.A. No. 2204 of 2015 is pending disposal.</p> <p>List this case for orders on 18.2.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**EX-A. No. 43 of 2015**  
**(Inre: T.A. 111 of 2011)**

**Madhusudan Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri Asheesh Agnihotri, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As prayed by learned Standing Counsel, list this case on 8.2.2016 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>



Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**EX-A. No. 49 of 2015**  
**(Inre: O.A. 250 of 2011)**

**Smt. Januka Devi**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Dr. Shailendra Sharma Atal, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As prayed by learned Standing Counsel, list this case for orders on 9.2.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma)                      (Justice Abdul Mateen) Member (A)                                      Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. 442 of 2010**

**SK Md Imran**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri R.K.S. Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for and is granted two weeks' further time to incorporate the amendment.</p> <p>List this case for orders on 17.2.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>



Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. 38 of 2013**

**Smt. Veena Pani Tiwari**  
By Legal Practitioner for Applicant

Applicant

Versus

**Dir of Personal(Civil), Air HQ, New Delhi**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, and Mrs. Anju Singh, learned counsel for the respondents, along with W.O. Desh Raj, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>After hearing Shri Shailendra Kumar Singh, learned counsel for the applicant, at some length, he prays that this case be dismissed as withdrawn with liberty to file it afresh.</p> <p>Accordingly, this T.A. No. 38 of 2013 is dismissed as withdrawn with liberty to the applicant to file it afresh.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG/-</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 10 of 2013**

**Ramjeet Maurya**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Partly allowed.</p> <p>For orders, see our judgment and order of date passed on separate sheets.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

**M.A. No. 2182 of 2015**

**Raghvendra Pratap Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Shri Bhanu Pratap Singh files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, name of Shri Bhanu Pratap Singh be shown as counsel for the respondents.</p> <p>Present: Dr. S.K.Singh, learned counsel for the applicant, and Shri Bhanu Pratap Singh, learned counsel for the respondents along with Capt Ridhishri Sharma, Departmental Representative.</p> <p>The case was taken up in the revised list.</p> <p><b><u>M.A.No. 2182 of 2015</u></b></p> <p>Heard Dr. S.K.Singh, learned counsel for the applicant on this application, which has been filed with the prayer for condonation of delay in filing the O.A. The matter pertains to compassionate appointment. As per Stamp Reporter's report, there is a delay 1 year, 11 months and 22 days in filing of O.A. Copy of this application was served upon the learned Standing Counsel as far back as on 23.11.2015. In spite of time having been granted to the respondents for filing objection, no objection has been filed.</p> <p>We have gone through the affidavit filed in support the application asserting reasons for condonation of delay. The reasons shown therein seem to be genuine. Accordingly, the application is allowed and the delay in filing the O.A is condoned. Let the O.A. be registered.</p> <p>The respondents may file objection, if any, to the O.A within three weeks.</p> <p>List this case for admission on 2.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>LN/</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**M.A. No. 186 of 2015  
(Inre T.A. No. 637 of 2010)**

**Om Prakash**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.02.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Present: Shri KK Bisht, learned counsel for the applicant and Capt Ridhishri Sharma, Departmental Representative for the respondents</p> <p>The case was taken up in the revised list.</p> <p><b><u>M.A.No. 186 of 2016</u></b></p> <p>Heard learned counsel for the parties on this application moved under Section 31 of Armed Forces Tribunal Act 2007 with the prayer that leave to appeal be granted to the applicant for approaching the Hon'ble Supreme Court against the judgment and order dated 4.1.2016 passed by this Court in T.A. No. 637 of 2010.</p> <p>We have carefully gone through our judgment and order referred to above as well as the grounds taken in the application. We find that no point of law of general public importance is involved in the matter, so as to grant leave to appeal to Hon'ble Apex Court.</p> <p>Accordingly, the application for leave to appeal being misconceived is hereby rejected.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>





Form No. 4  
[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**O.A. No. 278 of 2015**

**Ram Bahadur Pal**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R.K.Dwivedi, learned counsel for the applicant and Ms. Deepti P. Bajpai, learned counsel for the respondents along with Capt Ridhishri Sharma, Departmental Representative.</p> <p>Heard Shri R.K.Dwivedi, learned counsel for the applicant at length. He again states that there is one judgment in his favour wherein it has been held that even a person, who has contracted a second marriage, has got a right to continue in service. He prays for and is allowed a week's time to place the said judgment before the Court.</p> <p>List this case for admission/hearing on 22.2.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A) LN/</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 528 of 2010**

**Laxmi Prasad**

By Legal Practitioner for Applicant

Applicant

Versus

**Chief of Army Staff & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Vikas Kumar Agrawal, learned counsel for the applicant and Shri Mohd. Zafar Khan, learned counsel for the respondents along with Capt Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case, Shri Vikas Kumar Agrawal, learned counsel appearing for the applicant states that since he was out of station yesterday, as such he could not prepare the brief. He prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case for hearing on 15.2.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 1299 of 2010**

**V N Shukla**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Dr. Chet Narain Singh, learned counsel for the respondents along with Capt Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case, Shri Rohit Kumar, learned counsel appearing for the applicant states that due to some medication, he is unable to argue the case today and prays that the matter be adjourned. Accordingly, the case is adjourned.</p> <p>List this case for hearing on 2.2.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>