

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 2033 of 2015

Ram Pyare Kushwaha
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2016</u></p> <p><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri O.P.Kushwaha, learned counsel for the applicant, and Shri D.K.Pandey, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>The case was taken up in the revised list.</p> <p>On query being made from Shri D.K.Pandey, learned Standing Counsel appearing for the respondents with respect to the status of appeal preferred by the applicant under Section 164 of the Army Act against the impugned punishment, he informs that he has received no instructions. He prays for two weeks' further time for the purpose.</p> <p>List this case for orders on 17.2.2016 before the appropriate Court having jurisdiction, as per roster of that date. On the said date, Shri D.K.Pandey, learned Standing Counsel shall inform the Court about the result of statutory appeal preferred by the applicant under Section 164 of the Army Act against the impugned punishment.</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. 125 of 2010

Joginder 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><u>19.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Dr. S.N.Pandey, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>List revised. No one appears for the applicant nor is there any request to pass over or adjourn the case.</p> <p>Accordingly, T.A.No. 125 of 2010 is dismissed for non-prosecution.</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. 145 of 2012

Om Prakash Tiwari
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><u>19.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Ms. Deepti P. Bajpai, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>On call of the case in the revised list, a person in civil dress claiming himself to be the applicant Om Prakash Tiwari is present. He states that his counsel Shri P.N.Chaturvedi is busy in another Court, as such he prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case for orders 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>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 21 of 2013

Pramod Kumar 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><u>19.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Asheesh Agnihotri, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>List revised. No one appears for the applicant nor is there any request to pass over or adjourn the case.</p> <p>Accordingly, O.A.No. 21 of 2013 is dismissed for non-prosecution.</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. 299 of 2013

Surendra 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><u>19.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Rajat Pratap Singh, learned counsel for the applicant, and Ms. Deepti P. Bajpai, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>The case was taken up in the revised list.</p> <p>The applicant has prayed for amendment of this O.A. vide M.A.No. 2060 of 2015, to which Ms. Deepti P. Bajpai, learned Standing Counsel prays for and is allowed six weeks' time to file objection.</p> <p>List this case for orders on 23.3.2016 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>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 112 of 2012

Mukesh 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><u>19.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri O.P.Kushwaha, learned counsel for the applicant, and Capt Priti Tyagi, Departmental Representative, for the respondents.</p> <p>The case was taken up in the revised list.</p> <p>Dr. Chet Narayan Singh, Advocate files memo of appearance on behalf of the respondents. Let it be taken on record.</p> <p>On call of the case, Shri O.P.Kushwaha, learned counsel for the applicant states that he is not prepared with the brief, as such he prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>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) 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. 164 of 2012

Subodhay Mukherjee
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Capt Priti Tyagi, Departmental Representative, for the respondents.</p> <p>The case was taken up in the revised list.</p> <p>Shri R.K.S.Chauhan, Advocate files memo of appearance on behalf of the respondents. Let it be taken on record.</p> <p>On call of the case, no one appears for the applicant nor is there any request to pass over or adjourn the case.</p> <p>Accordingly, O.A.No. 164 of 2012 is dismissed for non-prosecution.</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. 213 of 2009

Hans Lal Kushwaha
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri Yashpal Singh, learned counsel for the applicant, and Shri Mohd. Zafar Khan, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>Shri Yashpal Singh, learned counsel for the applicant states that he is not prepared with the brief today. It also comes out from the order-sheet that this T.A. has not yet been admitted.</p> <p>As prayed by Shri Yashpal Singh, learned counsel for the applicant, list/put up this case tomorrow for admission..</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. 216 of 2015

Champa 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><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Capt Priti Tyagi, Departmental Representative, for the respondents.</p> <p>The case was taken up in the revised list.</p> <p>Shri Asheesh Agnihotri files memo of appearance on behalf of the respondents. Let it be taken on record.</p> <p>On call of the case, no one appears on behalf of the applicant nor is there any request to pass over or adjourn the case.</p> <p>Accordingly, O.A.No. 216 of 2015 is dismissed for non-prosecution.</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. 1852 of 2015 With M.A. No. 1853 of 2015
(Inre O.A. No. 209 of 2013)**

Daroga Rai

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><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri, learned counsel for the applicant, and Shri, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>List this case for on2016 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

M.A. No. 2124 of 2015 With M.A. No. 2116 of 2015
(Inre O.A. No. 256 of 2013)

Shiv 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><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri, learned counsel for the applicant, and Shri, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>List this case for on2016 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
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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 65 of 2010

Ganesh Babu KV

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri V.K.Pandey, learned counsel for the applicant, and Shri learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>The case was taken up in the revised list.</p> <p>Dr. Shailendra Sharma Atal, Advocate files memo of appearance on behalf of the respondents. The same is taken on record.</p> <p>This O.A was admitted on 28.4.2010. Counter and rejoinder affidavits have been exchanged.</p> <p>Accordingly, list this case for hearing on 14.4.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>When the case is next listed, name of Dr. Shailendra Sharma Atal be shown as counsel for the respondents.</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. 21 of 2015 with M.A. No. 43 of 2016 & M.A. No. 93 of 2016
(Inre O.A. No. 21 of 2015)**

Maj Saurabh Dutt
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri A.K.Srivastava, learned counsel for the respondents alongwith Capt Priti Tyagi, Departmental Representative.</p> <p>The case was taken up in the revised list.</p> <p>Dr. Shailendra Sharma Atal, Advocate files memo of appearance on behalf of the respondents. Let it be taken on record.</p> <p>On call of the case, applicant Major Saurabh Dutt, who was appearing in person, is not present. Rather Shri Hemendra Pratap Singh, Advocate appeared and states that he would be filing power on behalf of the applicant by tomorrow. If power is filed, list this case on 25.1.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>When the case is next listed, name of Dr. Shailendra Sharma Atal be shown as counsel for the respondents.</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. 150 of 2010

Devi Sharan Mishra

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri, learned counsel for the applicant, and Shri, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>List this case for on2016 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. 1091 of 2010

Shiv Bahadur Singh
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><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Shri, learned counsel for the applicant, and Shri, learned counsel for the respondents, along with Capt Priti Tyagi, Departmental Representative.</p> <p>List this case for on2016 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

O.A. No. 1 of 2014

Chandra Prakash Tiwari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Col (Retd.) Y.R.Sharma, learned counsel for the applicant, and Capt Priti Tyagi, Departmental Representative, for the respondents.</p> <p>Shri G.S.Sikarwar, Advocate files memo of appearance on behalf of the respondents. Let it be taken on record.</p> <p>Heard Shri Y.R.Sharma, learned counsel for the applicant.</p> <p>This case relates to SCM proceedings. The point in issue is whether a person can be tried summarily by his own CO or any other CO. This Court in the case of Nandan Singh Rawat versus Union of India has concluded that a person cannot be tried by any other CO, rather than his own CO. The Union of India preferred a Special Leave Petition bearing No. 26619 of 2014 against the said judgment, wherein the Apex Court passed the following order on 24.4.2015:</p> <p><i>“We are of the considered opinion that it is not a fit case where the appeal should be admitted and, accordingly, the application for leave to appeal is rejected. However, it is hereby clarified that our non-granting of leave to appeal would have no bearing on the issue that has been raised in Civil Appeal No. 8360 of 2010 and other connected appeals which are pending consideration.”</i></p> <p>It has been submitted by learned Standing Counsel appearing for the respondents that Civil Appeal No. 8360 of 2010 remains pending before the Hon'ble Supreme Court and the issue in question indicated above has not yet been considered by it.</p> <p>In view of the above, we are of the opinion that we should wait for the outcome of Civil Appeal No. 8360 of 2010.</p> <p>List this case for hearing on 7.4.2016 before the appropriate Court</p>

having jurisdiction, as per roster of that date. On the next date, Shri Y.R.Sharma, learned Counsel for the applicant as well as the learned Standing Counsel appearing for the respondents shall inform this Court about the outcome of Civil Appeal No. 8360 of 2010.

When the case is next listed, name of Shri G.S.Sikarwar be shown as counsel for the respondents.

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

(Justice Abdul Mateen)
Member (J)

LN/

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 213 of 2009

Hans Lal Kushwaha
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Capt Priti Tyagi, Departmental Representative for the respondents.</p> <p>Shri Mohd. Zafar Khan, Advocate files memo of appearance on behalf of the respondents. Let it be taken on record.</p> <p>On call of the case Shri Raj Kumar Singh, Advocate appeared. He states that Shri Yashpal Singh, learned counsel appearing for the applicant is in the High Court, Lucknow Bench to attend a case listed at serial No.1 in Court No.2 today, as such he could not come to this Court. He prays for adjournment of the case for the day.</p> <p>The matter pertains to the year 2009. List/put up this case for hearing tomorrow.</p> <p>Name of Shri Mohd. Zafar Khan be shown as counsel for the respondents.</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. 960 of 2010 With M.A. No. 1679 of 2015

Surendra Prasad Singh

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><u>18.01.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen A.M. Verma, Member (A)</u></p> <p>Present: Capt Priti Tyagi, Departmental Representative for the respondents.</p> <p>Shri Amit Sharma, Advocate files memo of appearance on behalf of the respondents. Let it be taken on record.</p> <p>On call of the case, it has been informed by the persons at Bar that Shri Rohit Kumar, learned counsel for the applicant has gone to the hospital due to ailment of his father. Request has been made on his behalf to adjourn the case. Accordingly, the case is adjourned.</p> <p>List this case for hearing on 29.1.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>When the case is next listed, name of Shri Amit Sharma be shown as counsel for the respondents.</p> <p>(Lt Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>