

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

**Court No. 2**

**M.A. No. 348 of 2016 with M.A. No. 349 of 2016**  
**(Inre: T.A. No. 699 of 2010)**

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

Applicants

Versus

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

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.02.2016</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 D.K. Pandey, learned counsel for the applicants, along with Major Soma John, Departmental Representative.</p> <p><b><u>Misc. Application No. 348 of 2016.</u></b></p> <p>This is an application, filed by the applicants, for condoning the delay in filing M.A. No. 349 of 2016, under Section 31(2) of the A.F.T. Act, 2007, for grant of leave to appeal before the Hon'ble Supreme Court against our judgment and order dated 12.10.2015, passed in T.A. No. 699 of 2010.</p> <p>As per office report there is a delay of 3 months and 06 days in filing M.A. No. 349 of 2016.</p> <p>Section 31(2) of the A.F.T. Act, 2007 provides that "<i>An application to the Tribunal for leave to appeal to the Supreme Court shall be made within a period of thirty days beginning with the date of decision of the Tribunal .....</i>".</p> <p>Further, the Hon'ble Supreme Court in <b>Office of the Chief Post Master General &amp; others v. Living Media India Ltd. &amp; another</b> reported in 2012 STPL (LE) 46200 has observed that "<i>condonation of delay is an exception and should not be used as an anticipated benefit for government departments</i>" and since "<i>the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly blinds everybody including the Government.</i>"</p> <p>We find that this application has been moved after expiry of 30 days from the date of our aforesaid judgment and order dated 12.10.2015, as such</p>

this application cannot be entertained being barred by limitation for granting leave to appeal before the Hon'ble Supreme Court. Apart from the above, even the grounds taken in the affidavit in support of the application for the delay in filing M.A. No. 349 of 2016 does not seem to be genuine and acceptable. Accordingly, M.A. No. 348 of 2016 is hereby rejected.

Apart from the above, we, while going through our aforesaid judgment and order dated 12.10.2015, do not find any point of law of general public importance is involved in our decision so as to grant leave to the applicant for filing an appeal before the Hon'ble Supreme Court. Accordingly, M.A. No. 349 of 2016, for grant of leave to the applicants, also stands rejected.

(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. 245 of 2015**

**Ajay Kumar 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><b><u>23.02.2016</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: Wg Cdr A.K. Singh (Retd.), learned counsel for the applicant, and Shri G.S. Sikarwar, learned counsel for the respondents, along with Major Soma John, Departmental Representative.</p> <p>Heard learned counsel for the applicant on admission of this O.A., preferred by the applicant aggrieved against his order of dismissal dated 1.1.2011 after having been declared deserter.</p> <p>The entire argument raised by learned counsel for the applicant is to the effect that after being declared deserter on 1.1.2011 the applicant went to join his duties on 15.3.2011 and put his signature in the Gate Register of 2 Training Regiment, Nasik, respondent no. 4, but he was not allowed to join his duties.</p> <p>Since learned counsel for the applicant tried to persuade this Court that the applicant, after being declared deserter, did went to join his duties and even signed the Gate Register on 15.3.2011, this Court directed the respondents on 9.10.2015 to produce before this Court on 5.11.2015 photocopy of the said Gate Register dated 15.3.2011 which will reveal whether the applicant went to join on 15.3.2011 or not.</p> <p>On 5.11.2015 when the case was taken up, Capt. Soma John, Departmental Representative, prayed further three weeks' time to produce the Gate Register of 2 Training Regiment, Nasik, respondent no. 4. Accordingly, time was granted fixing the case for 22.12.2015.</p> <p>On 22.12.2015 again adjournment was sought by Capt. Ridhishri Sharma, Departmental Representative, to produce the Gate Register and the case was adjourned to 29.1.2016.</p>

On 29.1.2016, when the case was taken up, Capt. Ridhishri Sharma, Departmental Representative, informed this Court that although on 22.12.2015 the Gate Register, directed to be produced before this Court, vide order dated 9.10.2015, was brought by a courier of the Department but it could not be obtained by her. Therefore, on her request ten days' further time was granted to produce the Gate Register before this Court today.

Today on call of the case Major Soma John, Departmental Representative, states that the Gate Register is not available with her.

Time and again we are observing that the respondents are not paying any heed to our orders passed time to time not only in this case but in most of the cases, meaning thereby that they are not serious to obey the orders passed by this Tribunal.

Finding no other option, the Commanding Officer, 2 Training Regiment, Nasik, respondent no. 4, is directed to appear in person or to depute some responsible officer, conversant with the case, along with the Gate Register on 30.3.2016, when the case will be listed next, and to explain as to why, inspite of several opportunities being granted, the orders of this Court are not being paid any heed.

Further for flouting our orders repeatedly, a cost of Rs. 25,000/- is imposed on the respondents, to be paid to applicant by the next date of listing of this case. This cost of Rs. 25,000/- will be realised by the Commanding Officer, 2 Training Regiment, Nasik, from the pay and allowances of the officer/official concerned, who is found to be mainly responsible for flouting the orders of this Court.

List this case again on 30.3.2016 for orders 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**

**EX.A. No. 26 of 2011 with M.A. No. 372 of 2016  
(Inre: T.A. No. 146 of 2010)**

**Ravindra Singh Kushwah**  
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>23.02.2016</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 D.K. Pandey, learned counsel for the respondents, along with Major Soma John, Departmental Representative.</p> <p>On call of the case Shri A.K. Singh, Advocate, appeared and stated that Shri P.N. Chaturvedi, learned counsel for the applicant, has not come to this Court today due to his engagement at Central Administrative Tribunal, Allahabad. Shri Singh, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List this case for orders on 29.2.2016 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**

**O.A. No. 311 of 2015 with M.A. No. 1973 of 2015 & M.A. No. 154 of 2016**

**Nirma Devi**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>23.02.2016</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 Yashpal Singh, learned counsel for the applicant, and Shri Kaushik Chatterjee, learned counsel for the respondents, along with Major Soma John, Departmental Representative.</p> <p>Let notice be issued to respondent no. 6 about pendency of this case before this Tribunal and to appear either in person or through his counsel on the next date. Learned counsel for the applicant is directed to take necessary steps within a week.</p> <p>List this case with the service report on 18.4.2016 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. 339 of 2016**  
**(Inre: O.A. No. Nil of 2016)**

**Rati Bhan Yadav**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>22.02.2016</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 no. 1 to 4 is taken on record. When the case is next listed his name be shown as counsel for the said respondents.</p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents, along with Major Soma John, Departmental Representative.</p> <p><b><u>M.A. No. 339 of 2016.</u></b></p> <p>This is an application for condonation of delay in filing the original application. As per office report there is delayed of 4 years and 28 days in filing the Original Application. Copy of this application has been served upon Learned Standing Counsel on 16.02.2016. Learned Standing Counsel, Shri Amit Sharma, prays for and is granted six weeks time to file objection, if any.</p> <p>List this case for admission on 28.4.2016 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>rpm/-</p>

Form No. 4  
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**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>22.02.2016</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: Wg. Cdr. Sardul Singh, Departmental Representative.</p> <p>Learned Standing Counsel is not present in Court.</p> <p>On call of the case Shri Amrish Dubey, Advocate, appeared and stated that Shri R.K. Dwivedi, learned counsel for the applicant, has not come to this Court today due to illness of his son.</p> <p>This case relates to dismissal of the applicant in SCM on the charge of plural marriage. From the order-sheets it comes out that this case has not yet been admitted. It is being adjourned repeatedly on one pretext or the other. Earlier learned counsel for the applicant submitted that there is a judgment of the Hon'ble Supreme Court according to which the applicant has got a right to continue in service but could not site the case law.</p> <p>In any case, since a prayer has been made for adjournment of the case for the day, this case is being adjourned for the day.</p> <p>List this case for orders/admission on 29.3.2016 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  
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**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**T.A. No. 15 of 2014**

**Major Kunwar Ambreshwar 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>22.02.2016</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: justify;">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 style="text-align: justify;">Present: Shri V.A. Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents, along with Major Soma John, Departmental Representative.</p> <p style="text-align: justify;">This case already stands admitted on 6.8.2015. Under challenge in the case is award of severe reprimand.</p> <p style="text-align: justify;">Counter and Rejoinder affidavits have already been exchanged in this case. List this case for hearing on 08.4.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: justify;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: justify;">(Justice Abdul Mateen) Member (J)</p> <p>rpm/-/-</p>

Form No. 4  
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**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 2**

**EX.-A. No. 34 of 2015**  
**(Inre: O.A. No. 275 of 2013)**

**Narendravir Singh Tomar**  
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>22.02.2016</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 Ved Prakash Pandey, learned counsel for the applicant, and Shri Asheesh Agnihotri, learned counsel for the respondents, along with Major Soma John, Departmental Representative.</p> <p>On call of the case learned counsel for the respondents states that he is not yet aware about the outcome of the representation preferred by the applicant under Section 164(2) of the Army Act. He, therefore, prays for adjournment of the case for a week to enable him to apprise the Court about the outcome of the aforementioned representation.</p> <p>List this case again for orders on 4.3.2016 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. 31 of 2014 with M.A. No. 336 of 2016 & M.A. No. 337 of 2016**

**Jeetendra Bahadur 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>22.02.2016</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 Major Soma John, Departmental Representative.</p> <p><b><u>Misc. Applications No. 336 of 2016 and 337 of 2016.</u></b></p> <p>These two applications have been filed by the applicant. M.A. No. 336 of 2016 is amendment application and M.A. No. 337 of 2016 is supplementary affidavit. Copies of these applications were not given earlier to the respondents. Today only copies of these applications have been served on the Departmental Representative in Court by learned counsel for the applicant.</p> <p>The Departmental Representative prays for and is granted four weeks' time to file objection, if any.</p> <p>List this case for orders on 4.4.2016 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.-N. 13 of 2010**

**Mohan 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>22.02.2016</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 D.N. Pandey, learned counsel for the applicant and Dr. Shesh Narain Pandey, learned counsel for the respondents, along with Major Soma John, Departmental Representative.</p> <p>After hearing learned counsel for the applicant at some length when this Court enquired from learned counsel for the respondents as to whether the record of the applicant dismissing him service on 20.10.2014, after declaring him as deserter, is with him or not in pursuance of our earlier order dated 12.1.2016, learned counsel for the respondents produced only photo-copy of the order and not the entire record in original pertaining the applicant.</p> <p>Learned counsel for the respondents and the Departmental Representative, Major Soma John, are again directed to produce the entire record, in original, pertaining to the applicant, on the next date.</p> <p>List this case again on 23.3.2016 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>It is clarified that if the entire record is not produced before the Court on the next date this Court will pass stricture against the OIC Records and the respondents shall be ready to face the consequences.</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. 57 of 2012 with M.A. No. 240 of 2016**

**Dalip 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>22.02.2016</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 Shailendra Kumar Singh, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents, along with Major Soma John, Departmental Representative.</p> <p>After hearing learned counsel for the applicant at some length it comes out that the entire petition has been misdrafted since the present petition arises out of dismissal order of the applicant but no where the dismissal order is under challenge, rather it comes out that the claim of the applicant is with respect of grant of pension after serving the Indian Army for a period of 6 years, 11 months and 5 days which has been refused by the respondents, vide Annexure '1' to the writ petition. It is quite evident that a dismissed employee is not entitled for pension.</p> <p>Learned counsel for the applicant states that he intends to amend the petition. He, therefore, prays for and is granted three weeks' time to file amendment application.</p> <p>List this case for orders on 5.4.2016 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. 334 of 2016 with M.A. No. 335 of 2016**  
**(Inre: O.A. No. 219 of 2015 & M.A. No. 1827 of 2015)**

**Kamta Prasad**  
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>22.02.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. Gyan Bhushan, 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 O.P. Kushwaha, learned counsel for the applicant, and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><b><u>Misc. Application No. 334 of 2016.</u></b></p> <p>This is an application for condonation of delay in filing M.A. No. 335 of 2016 for recall of our order dated 26.10.2015.</p> <p>As per office report there is a delay of 2 months and 21 days in filing M.A. No. 335 of 2016.</p> <p>Heard learned counsel for the parties and have gone through the affidavit filed in support of the delay condonation application. The reason shown for the delay in filing the recall/restoration application seems to be genuine. Accordingly, this application is allowed and the delay in filing M.A. No. 335 of 2016 is hereby condoned.</p> <p><b><u>Misc. Application No. 335 of 2016.</u></b></p> <p>This is application for recall of our order dated 26.10.2015 dismissing O.A. No. 219 of 2015 and M.A. No. 739 of 2015 for non-prosecution.</p> <p>Heard learned counsel for the parties and have gone through the affidavit filed in support of this application. The reason shown for non-appearance on 26.10.2015 seems to be genuine. Accordingly, this application is allowed and the order dated 26.10.2015 is hereby recalled.</p>

Both O.A. No. 219 of 2015 and M.A. No. 739 of 2015 are restored to their original numbers, provided the applicant deposits a sum of Rs. 500/- in the A.F.T. Bar Association within a period of seven days.

List this case for orders on 8.4.2016 before the appropriate Court having jurisdiction, as per roster of that date.

(Lt. Gen Gyan Bhushan)  
Member (A)

(Justice Abdul Mateen)  
Member (J)

PG/-

