

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

M.A. No. 1249 of 2017 with M.A. No. 1250 of 2017
In re : O.A. No. 157 of 2014

Umesh 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri P.N. Chaturvedi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 1520 of 2017</u></p> <p style="text-align: center;">This is an application for recall of order dated 14.09.2015 whereby the case was dismissed for non prosecution.</p> <p style="text-align: center;">The application has been moved with delay of 1 year, 9 months and 16 days.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted four weeks' time to file objection.</p> <p style="text-align: center;">Applicant shall have thereafter two weeks' time to file replication.</p> <p style="text-align: center;">List the case on 20.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; font-size: small;">BLY</p> |

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

EX-A. No. 237 of 2016 In re: O.A. No. 110 of 2014

Pratap 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p>Today, Ld. Counsel for the respondents was supposed to file compliance report. It is submitted by Ld. Counsel that there was some error in the name of the applicant as per records available with the PCDA (P) Allahabad. It is submitted that as per record name of the applicant was Pratap Singh Dahia while he had presented the O.A. in the name of Pratap Singh only.</p> <p>It is submitted by Ld. Counsel for the applicant that during the entire service period, the applicant was addressed as Pratap Singh. The records were subsequently corrected by the Air Force as per original enrolment form.</p> <p>Ld. Counsel for the respondents submits that because of error in the name of the applicant, the order of the Tribunal could not be complied with and fresh PPO shall be issued very shortly.</p> <p>Respondents are granted six weeks' and no more to comply order of this Tribunal dated 30.05.2016.</p> <p>List the case on 26.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> |

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

EX-A. No. 37 of 2017 In re: O.A. No. 196 of 2015

Smt. Sangeeta Devi

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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed today in Court by Shri Amit Jaiswal as Ld. Counsel for the respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present : Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. S.N. Pandey, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>Ld. Counsel for the respondents was supposed to file compliance report on the Execution Application.</p> <p>It is submitted that with regard to the first part of the directions given in Judgment and order dated 219.09.2016 of this Tribunal, necessary sanction order has been issued. The respondents have moved application for recall of cost imposed by said Judgement and order.</p> <p>List the case on 05.09.2017 for orders before the appropriate Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>BLY</small></p> |

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

M.A. No. 1485 of 2016 In re : O.A. No. Nil of 2016

Rajbir Singh Rohella 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.A. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 1485 of 2016</u></p> <p>Heard Ld. Counsel for the parties on the application for condonation of delay.</p> <p>Cause shown in the affidavit filed in support of the application for condonation of delay seems to be sufficient. Accordingly, application for condonation of delay is allowed and delay in filing the original application is condoned. Objection raised by Ld .Counsel for the respondents is hereby rejected.</p> <p>M.A. No. 1458 of 2016 stands disposed of.</p> <p>Having heard Ld. Counsel for the parties, we find it a fit case for admission.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Ld. Counsel for the respondents prays for and is granted four week' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the case on 09.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> |

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

M.A. No. 1522 of 2016 In re : O.A. No. Nil of 2016

Shiwu Prasad Bari
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u> Present : Shri S.G. Singh, Ld. Counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 1522 of 2016</u></p> <p>Heard Ld. Counsel for the parties.</p> <p>Ld. Counsel for the Respondents submits that there is delay of 10 years, 12 days in filing this O.A.</p> <p>The grounds in the affidavit filed in support of the application for condonation of delay are that the applicant was discharged from Army service in the year 1991. Government Order dated 12.06.2009 has been issued by the Ministry of Defence with regard to eligibility of additional pension to Honorary Naib Subedar, but the applicant has been denied benefit of said Government Order on the ground that the Government Order was applicable only to Honorary Naib Subedar who retired from service on or before 01.01.2006. It is submitted that the controversy has been decided by various Benches of the Armed Forces Tribunal, but since the applicant was not aware of said development, he could not approach the Tribunal and on receiving information sometime in the midst of year 2015, he has filed the present O.A.</p> <p>Ld. Counsel for the applicant has also submitted that in</p> |

view of the law laid down by Hon'ble Apex Court in a catena of cases in which it was observed that regarding the claim of pension/disability pension, the bar of limitation would not apply, as in case of pension the cause of action actually continues from month to month.

In support of his argument, Ld. Counsel for the Applicant has cited the law laid down by Hon'ble The Apex Court in the case of **Balkrishna S.P. Waghmare Vs Shree Dhyaneshwar Maharaj Sansthan** (AIR 1959 SC 798). **M.R. Gupta Vs Union of India** 1995 (5) SCC 628) and **Shiv Dass Vs Union of India** reported in 2007(3) SLR Page 445.

We have considered the respective argument of Ld. Counsel for both the parties and gone through the documents available on record.

The ground of delay and latches is not a rule of law but it is a rule of prudence which may not be used to defeat the substantial ends of justice.

In the case of **Shiv Dass Vs Union of India** reported in 2007 (3) SLR page 445 (Supra) in para 9 of the judgment, Hon'ble The Apex Court has observed:

"In the case of the pension the cause of action actually continues from month to month. That however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits, it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone."

The reasons shown in the accompanying affidavit filed in support of the application for condonation of delay seem to be genuine. Looking into the facts and circumstances and also into the merit of the case, in the interest of justice and in view of the law laid down by Hon'ble Apex Court in the case of **Shiv Dass** (supra), we are of the opinion that the delay in filing of the Original Application has been satisfactorily explained by the Applicant who is an aged soldier.

Thus in view of the above, the application for condonation

of delay is allowed and the delay in filing of original application is condoned. The objection raised by the respondents is rejected.

M.A. No. 1522 of 2016 stands **disposed of**.

Admit.

Let the case be registered as O.A.

Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List this case on **11.10.2017** for orders.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

BLY

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

M.A. No. 361 of 2017 In re : O.A. No. Nil of 2017

Prem Kumar 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p style="text-align: center;">Ld Counsel for the applicant prays for adjournment of the case.</p> <p style="text-align: center;">The case is accordingly passed over for the day.</p> <p style="text-align: center;">List the case on 03.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>BLY</small></p> |

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

M.A. No. 494 of 2017 In re: T.A. No. 82 of 2012

Mahavir Singh Rawat
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the petitioner and Shri R.K.S. Chauhan, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>Receipt indicating deposit of cost imposed by this Tribunal has been filed by Ld. Counsel for the applicant, which is taken on record.</p> <p>It is submitted by Ld. Counsel for the parties that pleadings are complete.</p> <p>List the case on 07.09.2017 for hearing.</p> <p>On the date fixed, Ld. Counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>BLY</small></p> |

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 19 of 2017

A.K. 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.A. Singh, Ld. Counsel for the applicant and Maj Salen Xaxa, OIC Legal Cell for the respondents.</p> <p>On behalf of the respondents it is submitted that Ms. Deepti Prasad Bajpai, Central Government Standing Counsel is conducting the case, but her name has not been shown in the cause list and in her place name of Dr. Shailendra Sharma Atal has been shown.</p> <p>Office shall mention name of Ms. Deepti Prasad Bajpai as Ld . Counsel for the respondents in the cause list.</p> <p>Prayer has been made on behalf of the respondents for further time to file counter affidavit.</p> <p>As prayed, four weeks' time is granted to the respondents to file counter affidavit. Applicant may file rejoinder affidavit within next two weeks.</p> <p>List the case on 13.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB/BLY</p> |

Form No. 4
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 118 of 2017

Smt. Rajwati 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>On behalf of the respondents it is submitted that Shri Sunil Sharma, Central Government Standing Counsel is conducting the case, but his name has not been shown in the cause list and in his place, name of Shri Namit Sharma has been shown.</p> <p>Office shall mention name of Shri Sunil Sharma as Ld. Counsel for the respondents in the cause list.</p> <p>Prayer has been made on behalf of the respondents for further time to file counter affidavit.</p> <p>As prayed, four weeks' time is granted to the respondents to file counter affidavit. Applicant may file rejoinder affidavit within next two weeks.</p> <p>List the case on 13.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left; font-size: small;">BLY</p> |

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 186 of 2017

Kamlesh Singh 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Mohd. Zafar Khan, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>Prayer has been made on behalf of the respondents for further time to file counter affidavit.</p> <p>As prayed, four weeks' time is granted to the respondents to file counter affidavit. Applicant may file rejoinder affidavit within next two weeks.</p> <p>List the case on 13.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>BLY</small></p> |

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 229 of 2016

Darwan 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri V.P. Pandey, Advocate holding brief for Shri K.K.S. Bisht, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p style="text-align: center;">It is submitted by Shri V.P. Pandey, Advocate holding brief for Shri K.K.S. Bisht, Ld. Counsel for the applicant that Shri Bisht is attending Circuit Bench at Nainital, hence he could not file rejoinder affidavit. Adjournment is prayed on his behalf.</p> <p style="text-align: center;">As prayed, list the case on 27.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>BLY</small></p> |

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 143 of 2017

Davinder 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ashok Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>On behalf of respondents further time is prayed for filing counter affidavit.</p> <p>As prayed, four weeks' time is granted to the respondents to file counter affidavit. Applicant may file rejoinder affidavit within next two weeks.</p> <p>After perusal of the record, we direct the Ld. Counsel for the respondents to seek instructions regarding pending complaint of the applicant dated 31.01.2017 addressed to Chief of the Army Staff as to whether it is still pending or has been disposed of.</p> <p>List the case on 12.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>BLY</small></p> |

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

Court No. 2

O.A. No. 33 of 2012

Sherpal Chahar
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri P.N. Chaturvedi, learned counsel for the applicant and Maj Soma John, Departmental Representative for the respondents.</p> <p style="text-align: center;">Heard learned counsel for the applicant and Departmental Representative for the respondents.</p> <p style="text-align: center;">List this case on 14.08.2017 for further hearing.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p style="text-align: left;">SB</p> |

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

Court No. 2

O.A. No. 45 of 2017

Smt Nisha 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><u>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Vakalatnama filed by Ms Soma Pandey, learned counsel for the respondent Nos. 4 and 6 is taken on record.</p> <p style="text-align: center;">Present: Smt Farha Faiz, learned counsel for the applicant and Ms Amrita Chakraborty, learned counsel for the respondents Nos. 1 to 3 and 5 alongwith Maj Soma John, Departmental Representative. Also Ms Soma Pandey, learned counsel for the respondents Nos. 4 and 6.</p> <p style="text-align: center;">Ms Amrita Charaborty, learned counsel for the respondents Nos. 1 to 3 and 5 has submitted that she shall file counter affidavit in the Registry during the course of the day.</p> <p style="text-align: center;">Ms Soma Pandey, learned counsel for the respondents No. 4 & 6 prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p style="text-align: center;">List this case on 26.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RS/-</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 595 of 2010 with M.A. No. 2054 of 2015 & M.A. No. 1180 of 2017

Vijay Kesav Singh
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PN Chaturvedi, learned counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Shri PN Chaturvedi, learned counsel for the petitioner filed replication to the objection on delay condonation application in the Court today, after serving a copy to the Learned Standing Counsel for the respondents, which is taken on record.</p> <p><u>M.A. No. 2054 of 2015</u></p> <p>This is an application for condonation of delay in filing the T.A.</p> <p>It is submitted by the learned counsel for the Petitioner that initially the writ petition was filed before Hon'ble High Court of Judicature at Allahabad challenging the outcome of the Court Martial. The said writ petition was transferred to this Tribunal vide order dated 16th April 2010. It is also submitted that the delay in filing the writ petition before Hon'ble High Court of Judicature at Allahabad was due to his poverty as he could not manage funds to seek advice.</p> <p>The grounds shown in the affidavit filed in support of the application seem to be genuine. Accordingly the application is allowed and delay in filing the T.A. is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that it is fit case for admission.</p> <p>Admit.</p> <p>It is submitted that counter and rejoinder affidavits have already been exchanged in the High Court.</p> <p>List this case on 29.08.2017 for hearing.</p> <p>On the dated fixed, learned counsel for the parties shall file compilation of case law and chart of events.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RS/-</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

Court No. 2

O.A. No. 266 of 2012

Subhash Chand
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the respondents submits that he want to seek instructions from the concerned authority and file the same in the form of affidavit. He prays for and is granted two weeks' time therefor.</p> <p style="text-align: center;">Since personal allegations have been levelled against the respondent no.7 and there is no service report on respondent no.7, hence the service on respondent no.7 is necessary.</p> <p style="text-align: center;">Let fresh notice be issued to the respondent no.7 by registered speed post as well as by normal mode of service returnable at an early date.</p> <p style="text-align: center;">List this case on 27.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RS/-</p> |

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

Court No. 2

M.A. No. 2244 of 2016 With M.A. No. 198 of 2017
Inre: O.A. No. Nil of 2016

Om Prakash
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: justify;">Present: Shri PN Chaturvedi, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p style="text-align: justify;">During course of hearing, it came to light that the applicant has preferred a post confirmation petition/representation before the Chief of the Army Staff on 12th September 2015.</p> <p style="text-align: justify;">Learned counsel for the respondents has informed the Court that the said petition/representation is still pending.</p> <p style="text-align: justify;">Accordingly, it would be appropriate to know the present status of that petition/representation before proceeding further in this matter.</p> <p style="text-align: justify;">Accordingly, learned counsel for the respondents is hereby directed to inform the Court about the present status of the said post confirmation petition/representation within four weeks.</p> <p style="text-align: justify;">List this case on 12.09.2017 for orders. Let a copy of this order be given to the learned counsel for the respondents within 24 hours free of cost.</p> <p style="text-align: justify;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: justify;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p> |

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

Court No. 2

O.A. No. 201 of 2016 With M.A. Nos. 1098 &1162 of 2017

Renu 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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Yash Pal Singh, learned counsel for the applicant and Shri VPS Vats, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative. Shri VK Pandey, learned counsel for the respondent no.5 is also present.</p> <p style="text-align: center;"><u>M.A. No. 1098 of 2017</u></p> <p style="text-align: center;">This is a recall application moved by the respondent no.5 for recall of the order dated 24.01.2017 passed by the Tribunal in O.A.No. 201 of 2016, whereby it was directed that the case shall proceed exparte against the respondent no.5.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Learned counsel for the applicant has no objection to this prayer.</p> <p style="text-align: center;">Accordingly, with the consent of the parties, the order dated 24.01.2017 is hereby recalled.</p> <p style="text-align: center;">Learned counsel for the respondent no.5 has filed counter affidavit, which is taken on record. The remaining respondents have already filed their counter affidavits.</p> <p style="text-align: center;">Learned counsel for the applicant has filed rejoinder affidavit to the counter affidavit filed on behalf of respondent nos.1 to 4. He prays for and is granted one week's time to file rejoinder affidavit to the counter affidavit filed on behalf of the respondent no.5.</p> <p style="text-align: center;">List this case on 13.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A) PKG</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> |

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

Court No. 2

O.A. No. 150 of 2016
With MA No.513 of 2017 & M.A.No.753 of 2017

Sub Keshav Patel
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri PN Chaturvedi, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">Vide order dated 28th July 2016, notice was ordered to be issued to respondent no.6 forthwith. However, there is no service report nor it has come in any of the order sheets that the respondent no.6 has been served.</p> <p style="text-align: center;">Since the applicant is challenging the promotion of respondent no.6, therefore, he is a necessary party.</p> <p style="text-align: center;">Let fresh notice be issued to the respondent no.6 by registered speed post as well as by normal mode of service returnable at an early date. Steps may be taken within a week.</p> <p style="text-align: center;">List this case on 28.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 276 of 2017

Lt Col (Retd) Kamal Singh & Others
By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Shri Amit Jaiswal, Advocate, on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Present: Shri Shailendra Kumar Singh, learned counsel for the applicants and Shri Amit Jaiswal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: justify;">By means of this OA, the applicants have prayed for the benefit of OROP and other reliefs. He has also relied upon the Judgment of the Armed Forces Tribunal, Regional Bench, Jabalpur passed in EA/04(J)/2016(Inre : O.A. No. 11(J)/2016) dated 09.02.2017 and has submitted that they want similar reliefs.</p> <p style="text-align: justify;">Having heard learned counsel for the parties on admission of this original application. We find that this is the fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and is granted four weeks' time to file detailed counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p style="text-align: center;">List this case on 06.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 277 of 2017

Surendra 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><u>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Shri Anurag Mishra, Advocate, on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Present: Shri Atul Kumar Singh, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: justify;">By means of this petition, applicant has made an innocuous prayer that a suitable order or direction be issued to the respondents to take decision of his pending appeal filed on 26.07.2016.</p> <p style="text-align: justify;">The applicant was enrolled in the Indian Army on 23.03.2003. During the course of his service, for his alleged misconduct, summary court martial took place whereby he was punished vide order dated 23.11.2015. It is submitted that the said order was not served to the applicant and information of the same has been obtained by the applicant under the Right to Information Act on 16.02.2016.</p> <p style="text-align: justify;">Keeping in view the prayer, we hereby dispose of this O.A. finally with the direction to the respondent No. 4 to dispose of the pending appeal of the applicant by a speaking and reasoned order expeditiously say within a period of four months from the date of production of a certified copy of this order before him.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

M.A. No. 587 of 2017
(Inre: O.A. No. Nil of 2017)

Radhe Shyam
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Ms Kavita Belaura, learned counsel for the applicant and Shri Kaushik Chatterjee, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Today is the date fixed for filing objection against the condonation of delay application, but the same has not been filed by learned counsel for the respondents.</p> <p style="text-align: center;">Shri Kaushik Chatterjee, learned counsel for the respondents prays for and is granted two weeks' further time to file objection against the application for condonation of delay. Replication, if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p style="text-align: center;">List this case on 07.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

M.A. No. 592 of 2017
(Inre: O.A. No. Nil of 2017)

Alok Kumar Gupta
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shireesh Kumar, learned counsel for the applicant and Shri Mohd Zafar Khan, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Objection against the application for condonation of delay filed by Shri Mohd Zafar Khan, learned counsel for the respondents, in Court today, after serving a copy upon learned counsel for the applicant, is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' time to file replication to the aforesaid objection.</p> <p style="text-align: center;">List this case on 05.10.2017 for admission.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 277 of 2017

Murari Lal
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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Devansh Bhardwaj, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Objection against the application for condonation of delay filed by Dr Shailendra Sharma Atal, learned counsel for the respondents, in Court today, after serving a copy upon learned counsel for the applicant, is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted six weeks' time to file replication to the aforesaid objection.</p> <p style="text-align: center;">List this case on 06.10.2017 for admission.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 2

O.A. No. 171 of 2016 with M.A. No. 862 of 2017

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>03.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.N. Bind, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Order reserved.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) (Justice S.V.S. Rathore) Member (J) Member (A)</p> <p style="text-align: left;"><small>RS/</small></p> |

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

Case of Court No. 1 taken in Court No. 2

T.A. No. 14 of 2017 with M.A. No. 1244 of 2017

Jairam Pal
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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Pankaj Kumar Shukla, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>List the case on 18.08.2017 for further hearing.</p> <p>Learned counsel for the respondents shall produce original record on the next date of listing for perusal of the Tribunal.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>BL</small></p> |

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

Court No. 2

T.A. No. 349 of 2010

Ramayan Mishra
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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Virat Anand Singh, Ld. Counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p>During course of arguments, we made the following queries from the learned counsel for the respondents:</p> <ul style="list-style-type: none">(i) What is the term of engagement of Naik (TS)?(ii) What is the policy for colour service for Jawans/Naik (TS)?(iii) Any other policy concerning Colour Service/ Pensionable Service/Extension of Service ? <p>Learned counsel for the respondents prays for time to answer the queries.</p> <p>As prayed, list the case on 17.08.2017 for further hearing.</p> <p>Learned counsel for the respondents shall also produce the original record for perusal of the Tribunal.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) 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. 18 of 2016

Balram Singh
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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri Rohit Kumar, Ld. Counsel for the petitioner and Yogesh Kesarwani, learned counsel for the respondents, assisted by Maj Soma John, OIC Legal Cell.</p> <p style="text-align: center;">Receipt indicating deposit of costs imposed by the Tribunal has been filed today which is taken on record.</p> <p style="text-align: center;">Learned counsel for the parties shall file synopsis along with case law relied upon by them.</p> <p style="text-align: center;">List the case on 06.09.2017 for further hearing.</p> <p style="text-align: center;">On the next date fixed, learned counsel for the respondents shall produce the original record as well as record of Summary Court Martial for perusal of the Tribunal.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) 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. 31 of 2017 With M.A. No. 722 of 2017

Mange Ram
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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Ashok Kumar, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">Today is the date fixed for filing rejoinder affidavit, but the same has not been filed by the learned counsel for the applicant.</p> <p style="text-align: center;">Learned counsel for the applicant prays for adjournment of the case.</p> <p style="text-align: center;">List this case on 10.10.2017 for orders. Meanwhile, rejoinder affidavit may be filed by the learned counsel for the applicant.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p> |

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

Court No. 2

O.A. No. 147 of 2017

Smt Gomti Devi Mother of Late Sanjay 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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Amit Jaiswal, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">Today is the date fixed for filing counter affidavit, but the same has not been filed by the learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for short time for filing counter affidavit.</p> <p style="text-align: center;">List this case on 18.09.2017 for orders. Meanwhile, counter affidavit may be filed by the learned counsel for the respondents.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 613 of 2017
Inre: O.A. No. Nil of 2017

Santa Singh 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><u>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri RN Pandey, learned counsel for the petitioner and Shri Amit Jaiswal, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental Representative.</p> <p style="text-align: center;">Today is the date fixed for filing objection on the application for condonation of delay, but the same has not been filed by the learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for short time for filing the same.</p> <p style="text-align: center;">List this case on 12.10.2017 for orders. Meanwhile, objection on the application for condonation of delay may be filed by the learned counsel for the respondents.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 939 of 2017 With M.A. No. 940 of 2017
Inre: T.A. No. 5 of 2013

Smt Chandra Kali
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PN Chaturvedi, learned counsel for the petitioner and Shri Sunisl Sharma, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental Representative.</p> <p>Today is the date fixed for filing objection on the application for condonation of delay, but the same has not been filed by the learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for adjournment of the case.</p> <p>List this case on 29.08.2017 for orders. Meanwhile, as a last opportunity, objection on the application for condonation of delay may be filed by the learned counsel for the respondents.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 1245 of 2017 with M.A. No. 1246 of 2017
Inre: O.A. No. 224 of 2010

Girsh Chandra Tiwari
By Legal Practitioner for Applicants

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Ashish Kumar Singh, Advocate, on behalf of respondents is taken on record.</p> <p style="text-align: center;">Present: Shri Sudhir Kumar Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents, alongwith Salen Xaxa, Departmental Representative.</p> <p><u>MA. No. 1245 of 2017</u></p> <p style="text-align: center;">This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 07.04.2017 passed by this Court in O.A. No. 224 of 2010.</p> <p style="text-align: center;">As per stamp reporter's report, there is delay of 02 months and 23 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on</i></p> |

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 binds everybody including the Government.”

The Hon’ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon’ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 1246 of 2017

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected and is accordingly rejected.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

RS/-

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 156 of 2013
Inre: O.A. No. Nil of 2013

Faquir Baksh 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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Veer Raghav Chaubey, Advocate holding brief of Shri Yashpal Singh, learned counsel for the applicant, alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Shri Veer Raghav, Advocate appearing for learned counsel for the applicant states that Shri Yashpal Singh, learned counsel for the applicant has not come to the Court today and he prays for adjournment of the case for the day. Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 25.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RS/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 2569 of 2016
Inre: O.A. No. Nil of 2016

Subhash Chandra
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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri PK Shukla, Advocate holding brief of Shri VK Pandey. learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Shri PK Shukla, Advocate appearing for learned counsel for the applicant states that Shri Yashpal Singh, learned counsel for the applicant has not come to the Court today and he prays for adjournment of the case for the day. Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 28.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RS/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 42 of 2016 with M.A. No. 2721 of 2016

Girish Chandra
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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Veer Raghav Chaubey, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Today is the date fixed for filing objection to the amendment application, but the same has not been filed by learned counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 2721 of 2016</u></p> <p style="text-align: center;">This is an amendment application moved by learned counsel for the applicant to amend the prayer clause. Keeping in view the nature of the amendment in this amendment application, amendment is necessary for adjudication.</p> <p style="text-align: center;">Learned counsel for the respondents has no objection to this amendment.</p> <p style="text-align: center;">Accordingly, aforesaid amendment application is allowed.</p> <p style="text-align: center;">Let necessary amendment be incorporated in original application within ten days.</p> <p style="text-align: center;">List this case on 14.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 120 of 2017

VP 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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Poonam Singh, learned counsel for the Applicant and Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Today is the date fixed for filing counter affidavit by learned counsel for the respondents.</p> <p style="text-align: center;">On call of the case, Maj Salen Xaxa, Departmental Representative submits that counter affidavit is ready with Dr Gyan Singh, learned counsel for the respondents of this case, who has gone to attend Circuit Bench at Nainital. Therefore, She prays for adjournment of the case.</p> <p style="text-align: center;">Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 13.10.2017 for orders.</p> <p style="text-align: center;">In the meantime, counter affidavit may be filed by the learned counsel for the respondents.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 160 of 2015

Dhirendra 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>02.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri VP Pandey, learned counsel for the petitioner and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">In compliance of the Hon'ble Court order dated 12.04.2017, learned counsel for the respondents is to file counter affidavit on behalf of respondent Nos. 6 and 7 but the same could not be filed.</p> <p style="text-align: center;">Dr Shailendra Sharma Atal, learned counsel for the respondents prays for and is granted further four weeks' time to file counter affidavit on behalf of the respondent Nos 6 and 7. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p style="text-align: center;">List this case on 20.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

EX.A. No. 116 of 2017
(Inre: 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Dr Shailendra Sharma Atal, Advocate, on behalf of respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Col RN Singh(Retd), learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p><u>EX-A. No. 116 of 2017</u></p> <p style="text-align: center;">This is an Execution Application under Section 29 of the Armed Forces Tribunal Act, 2007 filed by the applicant for non implementation of the judgment and order dated 23rd January 2017 passed in O.A. No. 21 of 2013.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to show cause as to why the aforesaid order of the Tribunal has not been complied with.</p> <p style="text-align: center;">List this case on 20.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p>RS/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 1229 of 2017 with M.A. No. 1230 of 2017
(Inre: T.A. No. 28 of 2013)

Union of India & Others
By Legal Practitioner for Petitioners

Petitioners

Versus

Jagdish Singh Yadav
By Legal Practitioner for Respondent

Respondent

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Amit Sharma, learned counsel for the applicant alongwith Maj Salen Xaxa, Departmental Representative.</p> <p><u>MA. No. 1230 of 2017</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 12.01.2017 passed by this Court in T.A. No. 28 of 2013.</p> <p>As per stamp reporter's report, there is delay of 05 months and 14 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “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</i></p> |

binds everybody including the Government.”

The Hon’ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon’ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 1229 of 2017

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected and is accordingly rejected.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

RS/-

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 1231 of 2017 with M.A. No. 1232 of 2017
(Inre: T.A. No. 69 of 2012)

Diwan Singh
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, Advocate, on behalf of respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p>Present: Shri PN Chaturvedi, learned counsel for the petitioner and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p><u>MA. Nos. 1231 & 1232 of 2017</u></p> <p>Shri PN Chaturvedi, learned counsel for the petitioner filed these applications for recall of the order dated 08.02.2017 alongwith condonation of delay application which is delayed by 04 months and 18 days and taken on record.</p> <p>Learned counsel for the respondents prays for and granted four weeks' time to file objection on the application for delay condonation for recall of the order filed by learned counsel for the applicant. Replication, if any, may be filed by learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 21.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RS/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 1233 of 2017 with M.A. No. 1234 of 2017
(Inre: O.A.(A) No. 191 of 2014)

Ravi Shankar 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Dr Shailendra Sharma Atal, Advocate, on behalf of respondents is taken on record. His name be shown as counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Present: Shri PN Chaturvedi, learned counsel for the petitioner and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p><u>MA. Nos. 1233 & 1234 of 2017</u></p> <p style="text-align: justify;">Shri PN Chaturvedi, learned counsel for the applicant filed these applications for recall of the order dated 03.02.2017 alongwith condonation of delay application which is delayed by 04 months and 23 days and taken on record.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and granted four weeks' time to file objection on the application for delay condonation for recall of the order filed by learned counsel for the applicant. Replication, if any, may be filed by learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: justify;">List this case on 21.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RS/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1, taken up in Court No. 2

M.A. No. 1239 of 2017 with M.A. No. 1240 of 2017
Inre: O.A. No. 167 of 2013

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Paras Nath Singh & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Anurag Mishra, learned counsel for the applicant alongwith Maj Salen Xaxa, Departmental Representative.</p> <p><u>MA. No. 1239 of 2017</u></p> <p style="text-align: center;">This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 18.11.2015 passed by this Court in O.A. No. 167 of 2013.</p> <p style="text-align: center;">As per stamp reporter's report, there is delay of 01 year and 07 months and 08 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “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</i></p> |

binds everybody including the Government.”

The Hon’ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon’ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 1240 of 2017

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected and is accordingly rejected.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

RS/-

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

Court No. 1

M.A. No. 937 of 2017 with M.A. No. 938 of 2017
(Inre: O.A. No. 118 of 2011)

Aditya Nand 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri PN Chaturvedi, learned counsel for the petitioner and Shri Sunil Sharma, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Shri Sunil Sharma, learned counsel for the respondents prays for and is granted two weeks' further time to file objection against the application for condonation of delay in filing the recall application.</p> <p style="text-align: center;">List this case on 30.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

M.A. No. 999 of 2017
(Inre: O.A. No. Nil of 2017)

Rakesh Kumar 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Ms Kavita Singh, learned counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Shri Anurag Mishra, learned counsel for the respondents prays for and is granted two weeks' further and no more time to file objection against the application for condonation of delay. Replication if any, may be filed by learned counsel for the applicant within a week's, thereafter.</p> <p style="text-align: center;">Learned counsel for the applicant may move an application for amending the prayer as prayed.</p> <p style="text-align: center;">List this case on 31.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

O.A. No. 81 of 2016 with M.A. No. 1564 of 2016

Mahendra Sharma
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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Major Salen Xaxa, Departmental Representative.</p> <p>On call of the case, it is informed by members of the Bar that Shri R Chandra, learned counsel for the applicant has not come to the court due to sad demise of his mother.</p> <p>Major Salen Xaxa, Departmental Representative submits that in compliance of the Court order dated 31.05.2017, instruction from RR Hospital, Delhi has not yet been received.</p> <p>She prays for and is granted three weeks' further time to file status report.</p> <p style="text-align: center;">List this case on 01.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 2

M.A. No. 255 of 2017
Inre: O.A. No. Nil of 2017

Sanjay Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondent

Respondent

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Mrs Appoli Srivastava, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">It is informed by the members of the Bar that the mother of Shri R Chandra, learned counsel for the applicant has expired and prays for adjournment of the case.</p> <p style="text-align: center;">Accordingly, in the interest of justice, the case is passed over for the day.</p> <p style="text-align: center;">List this case on 14.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Rathore) Member (A) PKG</p> <p style="text-align: right;">(Justice S.V.S.) Member (J)</p> |

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

Court No. 2

M.A. No. 934 of 2017 With M.A. No. 935 of 2017
Inre: O.A. No. 213 of 2010

Shriman Narayan
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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PN Chaturved, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p><u>M.A. No. 934 of 2017</u></p> <p>This is an application for condonation of delay in filing the recall application for recall of the order dated 04.08.2014 passed in O.A. No.213 of 2010 dismissing the O.A. for non prosecution, which is, as per office report, delayed by 02 years, 07 months and 20 days.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' further time to file objection to the aforesaid application. Replication to the objection may be filed within two weeks thereafter.</p> <p>List this case on 25.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) (Justice S.V.S. Rathore) Member (J) Member (A) Member (J)</p> <p>PKG</p> |

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

Court No. 2

T.A. No. 17 of 2010

Smt Suman Devi & Others
By Legal Practitioner for Petitioners

Petitioners

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri PN Chaturvedi, learned counsel for the Petitioners and Shri Amit Jaiswal, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>In compliance of the earlier order dated 25.07.2017, restoration application was supposed to be filed by the learned counsel for the petitioner, but the same could not be filed. He prays for further time for the said purpose.</p> <p>List this case on 04.08.2017 for orders.</p> <p>Meanwhile, learned counsel for the petitioners may file restoration application.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Rathore) Member (A) PKG</p> <p style="text-align: right;">(Justice S.V.S. Member (J)</p> |

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

Court No. 2

O.A. No. 221 of 2015

Smt Moti Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondent

Respondent

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: RP Singh Kuruvanshi, learned counsel for the applicant, Shri Rajiv Pandey, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental Representative.</p> <p style="text-align: center;">In compliance of the order dated 20.07.2017, Lt Col Anirban Gupta, Medical Officer, Command Hospital, Lucknow is present before the Court to explain the nature of the disease suffered by the applicant's husband. On the point of nature of the disease, the Doctor has given his opinion as under :</p> <p style="text-align: center;"><i>“The individual was invalided out of service due to ‘Cerebral Thrombosis with Rt Side Hemipligia (Y 34)’, which is a disability of permanent in nature and could be considered as attributable to or aggravated by Military service, unless proven otherwise. The genetic cause can occur at the young age and it cannot be ruled out. The percentage of disease is as below :</i></p> <p style="text-align: center;"><i>Normal – 20% to 50%, Moderate – 50% to 75% and Severe – 75% to 100%. “</i></p> <p style="text-align: center;"><i>In this case, as per the documents though the percentage of disability has not been mentioned, the disability of the husband of the applicant seems to be moderate i.e. 50% to 75%.”</i></p> <p style="text-align: center;">Learned counsel for the respondents prays for time to produce the Air Force Instructions/Orders pertaining to the grant of service element/disability pension of 1975 and other Policy letter relating to the controversy involved in this case.</p> <p style="text-align: center;">List this case on 31.08.2017 for orders.</p> <p style="text-align: center;">Lt Col Anirban Gupta, Medical Officer, Command Hospital, Lucknow need not appear before the Court, unless called for.</p> |

Let a copy of this order be given to the learned counsel for the respondents within 24 hours free of cost.

**(Lt Gen Gyan Bhushan
Rathore)**

**Member (A)
PKG**

(Justice S.V.S.)

Member (J)

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

Court No. 2

T.A. No. 573 of 2010
With MA No.1394 of 2016

Satyendra Prasad
By Legal Practitioner for Petitioners

Petitioner

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Col (Retd) Ashok Kumar and Shri Rohit Kumar, learned counsel for the Petitioner and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the respondents has filed supplementary affidavit regarding the case status of the co-accused, which is taken on record. It is stated that the said case was dismissed in default in the year 2010.</p> <p style="text-align: center;">Learned counsel for the petitioner prays for and is granted one week's time to verify the said fact and also to ensure the present status of the case whether the case has been restored or not.</p> <p style="text-align: center;">List this case on 18.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Rathore) Member (A) PKG</p> <p style="text-align: right;">(Justice S.V.S. Member (J)</p> |

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

M.A. No. 1242 of 2017 In re O.A. No. (Nil) of 2017

IS 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Namit Sharma on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>This is an application for condonation of delay in filing the original application, filed under Section 5 of the Limitation Act. As per office report, there is delay of 24 years, 03 months and 25 days in filing the original application.</p> <p>Learned counsel for the respondents prays for and is granted three weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 25.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;"><small>SB/BLY</small></p> |

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

O.A. No. 112 of 2017

Bhim 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.P. Pandey, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted four weeks time to file rejoinder affidavit.</p> <p>List the case on 09.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

T.A. No. 61 of 2016

Jamil Ahmad

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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Lavlesh Kumar Singh, Advocate holding brief of Shri S.K. Singh, Ld. Counsel for the petitioner and Maj Salen Xaxa, Departmental Representative for the respondents.</p> <p>Case called out. It has been informed on behalf of the respondents that they have already filed counter affidavit in the High Court and same is available in the record.</p> <p>Learned counsel for the applicant prays for adjournment of the case on the ground that his senior, Shri S.K. Singh, is out of station. In the interest of justice, the case is adjourned.</p> <p>List this case on 04.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

O.A. No. 303 of 2016

Rajiv Tandon

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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri K.K. Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Counter affidavit filed by learned counsel for the respondents is taken on record and copy of the same has been provided to learned counsel for the applicant in the Court itself.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p style="text-align: center;">List the case on 31.08.2017 for hearing.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

T.A. No. 25 of 2016

Chhote Lal

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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri P.N. Chaturvedi, Advocate holding brief of Shri Hitesh Pachauri, Ld. Counsel for the petitioner and Mohd Zafar Khan, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted three weeks' time to file objection on amendment application, filed by learned counsel for the petitioner.</p> <p style="text-align: center;">List this case on 29.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

M.A. No. 1241 of 2017 In re O.A. (A) No. 98 of 2014

Subhash Chandra 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Col R.N. Singh (Retd) & Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents, assisted by Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted one weeks' time to carry out amendment in the petition and provide a copy of the same to learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted three weeks' time to file counter affidavit. Rejoinder affidavit, if any may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p style="text-align: center;">List this case on 21.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

M.A. No. 2562 of 2016 with M.A. No. 2563 of 2016
Inre M.A. No. 831 of 2015

Chakradhar Prasad 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ravi Prakash Tripathi, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and Maj Soma John, Departmental Representative for the respondents.</p> <p>Learned counsel for the respondents has filed objection on application for recall of order dated 03.11.2015. As per office report, there is delay of 11 months and 18 days in filing the application for recall of order.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file better affidavit explaining the delay in filing the recall application.</p> <p>Office is directed to correct the name of the applicant as Chakradhar Prasad Yadav, when the case is listed next.</p> <p>List this case on 04.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p style="text-align: left;"><small>SB/BLY</small></p> |

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

O.A. No. 189 of 2010 with M.A. No. 107 of 2012

Shiv Kumar Joshi
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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri B.P.S. Chauhan, Col R.N. Singh (Retd) & Col Rakesh Johri (Retd), Ld. Counsel for the applicant and Shri Kaushik Chatterji, learned counsel for the respondents, assisted by Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the applicant have filed synopsis of argument raising several legal points and mixed questions of law and fact. Learned counsel for the respondents prays for and is granted two weeks' time to file parawise reply of the arguments raised in the synopsis.</p> <p style="text-align: center;">List this case on 17.08.2017 for further hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

O.A. No. 255 of 2015

Kishan 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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Col Ashok Kumar (Retd) & Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Kaushik Chatterji, learned counsel for the respondents, assisted by Maj Soma John, Departmental Representative .</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted two weeks' time to file copy of proceedings of Board of Officers and also the sanctioned and working strength of house keepers and musicians on the relevant date.</p> <p style="text-align: center;">List this case on 21.08.2017 for further hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

O.A. No. 150 of 2016 with M.A. No. 513 & 753 of 2017

Sub Keshav Patel
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>01.08.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents, assisted by Maj Soma John, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list this case on 03.08.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

Case of Court No. 1 taken in Court No. 2

M.A. No. 912 of 2017 In re O.A. No. 210 of 2016

Satya Pal Verma
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">In compliance of Tribunal's order dated 29.05.2017, receipt that the cost of Rs. 500/- has been deposited in AFT Bar Association, has been filed by learned counsel for the applicant.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the case on 04.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB/BLY</p> |

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

Case of Court No. 1 taken in Court No. 2

T.A. No. 14 of 2017

Jairam Pal
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Pankaj Kumar Shukla, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Case called out. Learned counsel for the petitioner prays for and is granted two days time to bring on record judgment passed by Divisional Bench of Allahabad High Court in Special Appeal No. 957 of 2007 dated 21.12.2016.</p> <p>List the case on 02.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

Case of Court No. 1 taken in Court No. 2

T.A. No. 97 of 2016

Gyan Prakash Srivastava
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri Col T.B. Srivastava (Retd), Ld. Counsel for the petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p style="text-align: center;">List the case on 10.08.2017 for further hearing before appropriate Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

Case of Court No. 1 taken in Court No. 2

O.A. No. 338 of 2015

Rohit 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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' further time to file supplementary rejoinder affidavit.</p> <p style="text-align: center;">List the case on 05.10.2017 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

Case of Court No. 1 taken in Court No. 2

O.A. No. 262 of 2016 with M.A. No. 1033 of 2017

R.S. Gahlot
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri Anand Sharan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p style="text-align: center;"><u>M.A. No. 1033 of 2017</u></p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Learned counsel for the applicant submits that he does not intend to file any rejoinder affidavit.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

Case of Court No. 1 taken in Court No. 2

O.A. No. 43 of 2017

Gajadhar Chaudhary
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri V.P. Pandey, Ld. Counsel for the applicant and Shri A.K. Gupta, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p style="text-align: center;">On call of the case, learned counsel for the respondents prays for further time to file counter affidavit after having availed five months time for filing the counter affidavit. In the interest of justice, as a last opportunity, two weeks further time is granted to learned counsel for the respondents to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant, thereafter.</p> <p style="text-align: center;">List the case on 17.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

Case of Court No. 1 taken in Court No. 2

T.A. No. 24 of 2012

Yogendra Singh
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ajeet Verma, Advocate holding brief of Shri Ratnesh Chandra, Ld. Counsel for the petitioner and Shri Namit Sharma, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>On call of the case, Shri Ajeet Verma submits that Shri Ratnesh Chandra, learned counsel for the petitioner, is out of station and prays for adjournment of the case. Learned counsel for the respondents has no objection. Accordingly, the case is adjourned.</p> <p>List the case on 06.09.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

Case of Court No. 1 taken in Court No. 2

T.A. No. 22 of 2016

Lal Chand Ram
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : None for the petitioner and Maj Salen Xaxa, Departmental Representative for the respondents.</p> <p>Case called out. It has been informed by the member of Bar that due to sad demise of mother of Shri R. Chandra, learned counsel for the petitioner has not come to the Court. In the interest of justice, the case is adjourned.</p> <p>List the case on 07.09.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

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

Case of Court No. 1 taken in Court No. 2

T.A. No. 70 of 2016

Smt. Shanti Devi
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ajmal Khan, Ld. Counsel for the petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>Rejoinder affidavit filed by learned counsel for the petitioner today in the Court, is taken on record. Pleadings have been exchanged.</p> <p>List the case on 08.09.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB/BLY</p> |

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

Case of Court No. 1 taken in Court No. 2

O.A. No. 315 of 2016 with M.A. No. 430 of 2017

Devendra 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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri Rahul Singh, Ld. Counsel for the applicant and Shri Dinesh Kumar Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">List the case on 08.08.2017 for further hearing before appropriate Bench.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce relevant original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p><small>SB/BLY</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 2154 of 2016 Inre M.A. No. 2460 of 2016

Sahamatul Nisha

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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ram Dheeraj Yadav, Ld. Counsel for the applicant and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p>Replication to objection on application for condonation of delay, filed by learned counsel for the applicant, today in the Court, is taken on record.</p> <p>Heard learned counsel for the parties on the application for condonation of delay. Cause shown in the affidavit filed in support of the application for condonation of delay seems to be sufficient. Accordingly, application for condonation of delay is allowed and delay in filing the original application is condoned. Objection raised by learned counsel for the respondents is hereby rejected.</p> <p>Having heard learned counsel for the parties, we find that it is a fit case for admission.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the case on 11.10.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>SB/BLY</p> |

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

O.A. No. 228 of 2015 with M.A. No. 260 of 2016

| | |
|---|-------------|
| Ramesh Chandra Dixit 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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present : Shri Ramesh Chandra Dixit, the applicant, in person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Shri Ramesh Chandra Dixit, who appeared in person, prays for a week's time to file replication to objection on application for condonation of delay, filed by learned counsel for the respondents. Time prayed for is granted.</p> <p style="text-align: center;">List the case on 08.08.2017 for orders.</p> <table style="width: 100%; border: none; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="font-size: small; margin-top: 5px;">SB/BLY</p> | (Lt Gen Gyan Bhushan) Member (A) | (Justice S.V.S. Rathore) Member (J) |
| (Lt Gen Gyan Bhushan) Member (A) | (Justice S.V.S. Rathore) Member (J) | | |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

M.A. No. 2105 of 2016 With M.A. No. 2734 of 2016 Inre O.A. No. Nil of 2016
Ram Bahadur Singh **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><u>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents alongwith Maj Soma John, Departmental Representative.</p> <p>Reply to the objection filed by the learned counsel for the applicant on the application for condonation of delay is taken on record.</p> <p><u>M.A. No. 2105 of 2016</u></p> <p>Heard Ld. Counsel for the parties.</p> <p>Ld. Counsel for the Respondents submits that there is delay of 30 years, 09 months and 09 days in filing this O.A.</p> <p>The grounds taken in the affidavit filed in support of the application for condonation of delay are that the applicant was discharged from service on 19th September 1979 in low medical category. The applicant's disability pension was rejected by the respondent No.5 on 19th August 1980. Against the rejection of the disability pension, the applicant preferred First Appeal, which was rejected on 24th February 1984 by the Appellate Authority. Thereafter Second Appeal, preferred by the applicant, was also rejected by the Appellate Authority on 04th June 1985. On 07th February 1993, the applicant moved a fresh petition for grant of disability pension, but the same was also rejected by the Respondent No.4 on 02nd February 1993.</p> <p>In March 2016, the applicant came to know through newspaper that disability pension to similarly situated persons has been granted by the order of this Tribunal, thereafter he contacted his counsel, who advised him to represent his case afresh. A photostat copy of the newspaper cutting is annexed as Annexure A-4 to the O.A. He further submitted that it is established position of law that pension matter is a recurring cause of action and therefore, is not barred by limitation. Delay in filing of this Original Application is neither deliberate nor intentional, but circumstantial.</p> <p>Ld. Counsel for the Applicant has also submitted that in view of the</p> |

law laid down by Hon'ble The Apex Court in catena of cases in which it was observed that regarding the claim of pension/disability pension, the bar of limitation would not apply, as in case of pension the cause of action actually continues from month to month.

In support of his argument, Ld. Counsel for the Applicant has cited the law laid down by Hon'ble The Apex Court in the case of Balkrishna S.P. Waghmare Vs Shree Dhyaneshwar Maharaj Sansthan (AIR 1959 SC 798). M.R. Gupta Vs Union of India 1995 (5) SCC 628 and Shiv Das Vs Union of India reported in 2007(3) SLR Page 445.

We have considered the respective argument of Ld. Counsel for both the parties and gone through the documents available on record.

The ground of delay and laches is not a rule of law but it is a rule of prudence which may not be used to defeat the substantial ends of justice.

In the case of Shiv Dass Vs Union of India reported in 2007 (3) SLR page 445 (Supra) in para 9 of the judgment, Hon'ble The Apex Court has observed:

“In the case of the pension the cause of action actually continues from month to month. That however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits, it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.”

The reasons shown in the accompanying affidavit filed in support of the application for condonation of delay seem to be genuine. Looking into the facts and circumstances and also into the merit of the case, in the interest of justice and in view of the law laid down by Hon'ble Apex Court in the case of Shiv Dass (supra), we are of the opinion that the delay in filing of the Original Application has been satisfactorily explained by the Applicant who is an aged soldier.

Thus in view of the above, the application for condonation of delay is allowed and the delay in filing of original application is condoned. The objection raised by the respondents is rejected.

Admit.

Let the case be registered as O.A.

Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List this case on 10.10.2017 for orders.

(Lt Gen Gyan Bhushan)

(Justice S.V.S. Rathore)

Member (A)

Member (J)

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1 shall be taken up with Court No. 2

M.A. No. 1220 of 2017
Inre: O.A. No. Nil of 2017

Hira Lal
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Dr Shailendra Sharma Atal, Advocate is taken on record. Her name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Shrish Chandra, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 1220 of 2017</u></p> <p style="text-align: center;">This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by 07 years, 07 months and 15 days. Copy of this application has been served upon the learned Standing Counsel for the respondents on 25.07.2017.</p> <p style="text-align: center;">Learned Standing Counsel appearing for the respondents prays for and is granted two weeks' time to file objection. Replication, if any, may be filed by the learned counsel for the applicant within two weeks, thereafter.</p> <p style="text-align: center;">List this case on 12.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Rathore) Member (A)</p> <p style="text-align: center;">(Justice S.V.S Member (J)</p> <p>RS/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1 shall be taken up with Court No. 2

EX-A. No. 112 of 2017
Inre: T.A. No. 1000 of 2010

Smt Kalawati Devi
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondent

Respondent

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri DK Pandey, Advocate is taken on record. Her name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Sarvesh Kumar Pandey, learned counsel for the petitioner, and Shri DK Pandey, learned counsel for the respondents alongwith Maj Salen Xaxa, Departmental Representative.</p> <p><u>EX-A. No. 112 of 2017</u></p> <p style="text-align: center;">This is an Execution Application under Section 29 of the Armed Forces Tribunal Act, 2007 filed by the applicant for non implementation of the judgment and order dated 9th February 2017 passed in T.A. No. 1000 of 2010.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to show cause as to why the aforesaid order of the Tribunal has not been complied with.</p> <p style="text-align: center;">List this case on 13.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Rathore) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Member (J)</p> <p>RS/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1 shall be taken up with Court No. 2

M.A. No. 150 of 2017
Inre: O.A. No. Nil of 2017

Smt Puja 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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri KK Mishra, learned counsel for the applicant and alongwith Maj Soma John, Departmental Representative.</p> <p style="text-align: center;">In compliance of the order dated 25.01.2017 of the Tribunal, Objection against the application for condonation of delay has not been filed by learned counsel for the respondents.</p> <p style="text-align: center;">In view of the above, learned counsel for the respondents is allowed two weeks' further time for the purpose and no more further time will be granted.</p> <p style="text-align: center;">List this case on 14.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Rathore) Member (A)</p> <p style="text-align: center;">(Justice S.V.S.) Member (J)</p> <p>RS/-</p> |

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases listed in Court No. 1 shall be taken up with Court No. 2

M.A. No. 1217 of 2017
Inre: O.A. No. 264 of 2014

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Col Mahesh Kumar Singh
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Sunil Sharma, learned counsel for the applicant and Maj Soma John, Departmental Representative.</p> <p><u>M.A. No. 1217 of 2017</u></p> <p style="text-align: center;">Heard learned counsel for the applicants on this application, moved under Section 31 of Armed Forces Tribunal Act, 2007, praying for grant of leave to appeal before the Hon'ble Supreme Court against the judgment and order dated 29.06.2017 passed by this Court in O.A. No. 264 of 2014.</p> <p style="text-align: center;">We have carefully gone through the aforesaid judgment and order and 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. Accordingly, the application for leave to appeal being misconceived is hereby rejected.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Rathore) Member (A)</p> <p style="text-align: center;">(Justice S.V.S.) Member (J)</p> <p>RS/-</p> |

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

Court No. 2

EX-A No.68 of 2017
(Inre: M.A. No. 2265 of 2016)

Akhila Nand Pandey
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri SG Singh, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Major Soma John, Departmental Representative.</p> <p style="text-align: center;"><u>EX-A No.68 of 2017</u></p> <p style="text-align: center;">This is an Execution Application under Section 29 of the Armed Forces Tribunal Act, 2007 filed by the applicant for non implementation of the order dated 05.10.2016 passed in M.A. No.2265 of 2016 which relates to the payment of disability pension.</p> <p style="text-align: center;">On 26.05.2017, learned counsel for the respondents was directed to submit the compliance report, but the same has not been filed.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted two weeks' further time to file compliance report.</p> <p style="text-align: center;">List this case on 12.10.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p> |

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

Court No. 2

O.A. No. 172 of 2014 with M.A. No. 703 of 2015 and M.A. No. 704 of 2015

Smt Chandra Kali
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Arun Kumar Sahu, learned counsel for the respondents alongwith Major Soma John, Departmental Representative.</p> <p style="text-align: center;">On call of the case, Shri Nandlal, Grandson of Smt. Chandra Kali appears and submits that his counsel Shri PK Shukla has not come to the Court and prays for some more time to file reply to the objection on the substitution application.</p> <p style="text-align: center;">On the last occasion also on 23.05.2017, he was granted four weeks' further time to file the reply to the objection, but the same has not been filed.</p> <p style="text-align: center;">List this case on 04.09.2017 for orders.</p> <p style="text-align: center;">Meanwhile, reply to the objection on the substitution application may be filed.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p> |

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

Court No. 2

O.A. No. 155 of 2014

Sita Ram
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Major Soma John, Departmental Representative.</p> <p style="text-align: center;">On call of the case, it is informed by members of the Bar that Shri R Chandra, learned counsel for the applicant has not come to the court due to demise of his mother and adjournment of the case is prayed.</p> <p style="text-align: center;">Accordingly, in the interest of justice, the case is adjourned.</p> <p style="text-align: center;">List this case on 16.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

M.A. No. 1842 of 2014

Rajesh Kumar Awasthi
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri PN Chaturvedi, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">List before appropriate Bench on 10.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

M.A. No. 1937 of 2015

Gopal Chandra 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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Manish Mani Sharma, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;"><u>M.A. No. 1937 of 2015</u></p> <p style="text-align: center;">It is informed by learned counsel for the respondents that the delay condonation application in filing the recall application has been condoned and allowed on 23.05.2017. However, the application for condonation of delay in moving the original application has not yet been allowed.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted three weeks' time to file objection against the application for condonation of delay in moving the original application.</p> <p style="text-align: center;">List this case on 21.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

M.A. No. 710 of 2016 with M.A. No. 2371 of 2016

Ram Pratap
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri VP Pandey, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondent Nos. 1 to 4 alongwith Major Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">As per office report, notices issued to respondent Nos. 5 and 6 have not yet been received back served or unserved.</p> <p style="text-align: center;">Let a fresh notice be issued to respondent Nos 5 and 6 by speed post as well as normal mode of service returnable by the next date.</p> <p style="text-align: center;">List this case on 25.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

M.A. No. 1149 of 2016 with M.A. No. 1766 & 2135 of 2016
and M.A. No. 419 of 2017

Harendra 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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, Advocate, holding brief of Shri R Chandra, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">On call of the case, it is informed by Shri Shailendra Kumar Singh, Advocate that Shri R Chandra, learned counsel for the applicant has not come to the court due to demise of his mother and prays for adjournment of the case.</p> <p style="text-align: center;">Accordingly, in the interest of justice, the case is adjourned.</p> <p style="text-align: center;">List this case on 25.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

M.A. No. 2286 of 2016 with M.A. No. 79 of 2017
(Inre : O.A. No. Nil of 2016)

KK Pandey
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri VK Pandey, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">Shri VK Pandey, learned counsel for the applicant prays for and is granted two weeks' time to file better affidavit explaining the delay in filing the original application. Learned counsel for the respondents may file objection to the aforesaid affidavit within two weeks', thereafter.</p> <p style="text-align: center;">List this case on 06.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

M.A. No. 386 of 2017
(Inre : O.A. No. Nil of 2017)

Balahang Gurung
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>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri VP Pandey, Advocate, holding brief of Shri KKS Bisht, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">On call of the case, Shri VP Pandey, holding brief of learned counsel for the applicant submits that Shri KKS Bisht has gone to attend Circuit Bench at Nainital and prays for adjournment of the case.</p> <p style="text-align: center;">Accordingly, the case is adjourned. In the mean time, learned counsel for the applicant shall file replication to the objection before next date fixed.</p> <p style="text-align: center;">List this case on 26.09.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |

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

Court No. 1

M.A. No. 899 of 2017
(Inre : O.A. No. 03 of 2016)

Prakash Narain 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><u>31.07.2017</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri PK Shukla, Advocate, holding brief of Shri Jai Narain Mishra, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Major Salen Xaxa, Departmental Representative.</p> <p style="text-align: center;">On call of the case Shri PK Shukla, Advocate, submits that Shri Jai Narain Mishra, learned counsel for the applicant has not come to the Court as he is out of station and prays for adjournment.</p> <p style="text-align: center;">Accordingly, in the interest of justice, the case is adjourned.</p> <p style="text-align: center;">List this case on 16.08.2017 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>RPM/-</p> |