

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No.200 of 2013

Dinesh Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>24.11.2017</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>O.A. No. 200 of 2013 (Dinesh Kumar vs. Union of India & others) is partly allowed.</p> <p>For judgment and orders, see our judgment and orders of date passed on the separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(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

T.A. No. 531 of 2010

Sultan Ram

By Legal Practitioner for Petitioner

Petitioner

Versus

Secy Govt of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>24.11.2017</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>T.A. No. 531 of 2010, Sultan Ram vs. Secy Govt of India and others is allowed.</p> <p>For order see our judgment passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) (Justice S.V.S. Rathore) Member(A) Member (J)</p> <p>anb</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 184 of 2017

Pradeep 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>24.11.2017</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>O.A. No. 184 of 2017, Pradeep Singh vs. Union of India and others is allowed.</p> <p>For order see our judgment passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) (Justice S.V.S. Rathore) Member(A) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

EX.A. No. 127 of 2017 Inre O.A. No. 205 of 2016

Pan 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>24.11.2017</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 applicant and Maj Piyush Thakran, Departmental Representative for the respondents.</p> <p>This is an application for execution of order of this Tribunal dated 28.09.2017 passed in O.A. No. 205 of 2016.</p> <p>The Departmental Representative, on behalf of respondents, has prayed for and is granted four weeks' time to file compliance report.</p> <p>List this case on 03.01.2018 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 2776 of 2016 with M.A. No. 528 of 2017
Inre O.A. No. Nil of 2016

Ram Pyare Kushwaha
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>24.11.2017</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 Dharmesh Sinha, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for time for better preparation of the case. As prayed, a week's time is granted to him.</p> <p>List this case on 01.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 28 of 2017 Inre O.A. No. Nil of 2017

Jai Bihari 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>24.11.2017</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 A.K. Singh, Advocate, holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents.</p> <p>By means of this O.A. filed under Section 14 of the Armed Forces Tribunal, the applicant has made the following prayers:</p> <p>(a) Issue /pass an order or direction to the respondents to furnish a copy of the GCM proceedings held for the trial of the applicant and Risaldar Major Krishna Murthy. Doula on a charge under Army Act Sec 69 and the applicant was awarded the following punishment: “Rigorous imprisonment for three years and to be dismissed from service on 15-07-1988.”</p> <p>(b) Issue/pass any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.</p> <p>(c) Allow this petition with cost.</p> <p>This application has been filed after considerable delay of 29 years. In order to verify whether the record of the GCM, which has been prayed for by the applicant, has been preserved till date, we had directed the respondents vide order dated 06.10.2017 to provide copy of the GCM proceedings of the year 1988 to the applicant, if held with them otherwise to file affidavit regarding weeding out of the documents.</p> <p>Today, learned counsel for the respondents on the basis of instructions has informed the Court that the GCM proceedings have been weeded out after expiry of period of retention in</p> |

pursuance of Rule 146 of the Army Rules, 1954. Army Rule 146 provides as under:

*“146 Preservations of proceedings.- (1). The proceedings of a court martial (other than a summary court martial) shall, after promulgation, be forwarded as circumstances require, to the office of the Judge-Advocate General, and there preserved for not less than, in the case of a general court-martial, than seven year, and in the case of any other court-martial, then three years.
(2) The proceedings of a summary court-martial shall be preserved for not less than three years, with the records of the corps or department to which the accused belonged.”*

In view of the aforesaid Rule 146 of Army Rules (supra), the retention period of records of GCM is only seven years. The GCM in the present case was concluded in the year 1988. Thus, the respondents have rightly weeded out the record of the GCM proceeding.

In view of observations made above, the O.A. is rendered infructuous and is liable to be dismissed.

Apart from above, almost 29 years have elapsed since the holding of GCM proceedings in the year 1988 and the delay in preferring the OA has not been validly explained by the applicant.

The O.A. is accordingly **dismissed** on the ground of laches on the part of the applicant in approaching this Tribunal after unexplained delay of 29 years as also on the ground of it having been rendered infructuous.

No order as to cost.

(Lt Gen Gyan Bhushan)
Member (A)

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

ukt

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 203 of 2017 with M.A. No. 2065 & 204 of 2017 Inre O.A. No. 203 of 2013

Pushkar 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>24.11.2017</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, learned counsel for the applicant and Shri Pushkar Singh Chauhan, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on Recall Application. Recall application is allowed subject of payment of Rs. 750/- as cost, to be deposited in the AFT Bar Association, Lucknow within a period of two weeks. On production of receipt of deposit, the case shall be restored to its original number.</p> <p>Since the pleadings have already been exchanged, list this case on 05.01.2018 for hearing.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 1103 of 2017 Inre O.A. No. Nil of 2017 & M.A. No 2083 of 2017

Smt Sanjogi 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>24.11.2017</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, learned counsel for the applicant and Ms. Appoli Srivastava, learned counsel for the respondents.</p> <p><u>M.A. No. 2083 of 2017</u></p> <p>Objection on the application for condonation of delay, filed by learned counsel for the respondents, today in the court, has been taken on record.</p> <p><u>M.A. No 1103 of 2017</u></p> <p>This is an application for condonation of delay in filing the original application. As per office report, there is delay of 02 years, 06 months and 04 days in filing the original application. The reasons given in the affidavit filed in support of the application for condonation of delay seem to be genuine. The application for condonation of delay is allowed and the delay in filing the original application is hereby condoned. Objection raised by learned counsel for the respondents is hereby rejected.</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 by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 18.01.2018 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 61 of 2014

Sukhvir 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>24.11.2017</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 Kumar, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>In pursuance to order dated 13.10.2017, the applicant is present in person alongwith his counsel and has produced copy of the documents alongwith the originals. These documents are required by the respondents to process of case for pension which has been inspected by the respondents.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to process the case.</p> <p>List this case on 17.01.2018 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 335 of 2017

Tomy Barghese
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>24.11.2017</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 Birendra Prasad Singh, learned counsel for the applicant and Wg Cdr Sardul Singh, Departmental Representative for the respondents.</p> <p>As prayed by Departmental Representative for the respondents, a week's further time is granted to file counter affidavit.</p> <p>List this case on 04.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 120 of 2014

Jai Ram Yadav & Another
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>24.11.2017</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 M.S. Yadav, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Wg Cdr Sardul Singh, Departmental Representative for the respondents.</p> <p>During the course of hearing, learned counsel for the parties have expressed their willingness for getting the matter settled through mediation.</p> <p>Ms. Appoli Shrivastava, Advocate, who is a trained Mediator and is present in Court, is appointed as Mediator for mediation and conciliation between the parties. The proceedings of the mediation shall take place within the premises of Bar Association of Armed Forces Tribunal, Lucknow on 15.01.2018, where both the parties shall remain present.</p> <p>List this case on 15.01.2018 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 6 of 2013

Zamir Ahmad

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>24.11.2017</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: Col R.N. Singh (Retd), learned counsel for the petitioner and Maj Piyush Thakran, Departmental Representative for the respondents.</p> <p>Learned counsel for the applicant has filed Bench Copy and also the synopsis of arguments mentioning case laws relied upon by him.</p> <p>Departmental representative for the respondents submits that Shri Asheesh Agnihotri, learned counsel for the respondents is not available today and prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case on 14.12.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 23 of 2016

Shyam Sunder Kumar
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>24.11.2017</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 K.K. Singh Bisht, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 16 of 2017

S.P. Shukla

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>24.11.2017</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, learned counsel for the petitioner and Shri Ramesh Chandra Shukla, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submits that he shall supply copy of the T.A. to learned counsel for the respondents during the course of the day and prays adjournment.</p> <p>The controversy involved relates to the year 2004. Learned counsel for the applicant himself has made prayer for adjournment of the case.</p> <p>Since no earlier date is possible, let the case be listed on 12.01.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

EX-A. No. 90 of 2017

Alongwith M.A. No. 980 of 2017

with M.A. No. 1580 of 2017 & R.A. No. 26 of 2017

Inre: O.A. No. 6 of 2016

Rajendra Prasad

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>23.11.2017</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 AK Singh, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents assisted by Wg Cdr Sardul Singh, Departmental Representative.</p> <p><u>R.A. No. 26 of 2017</u></p> <p>It is informed by the learned counsel for the respondents on the basis of the instructions received in pursuance of the order under review, that PPO has been issued and, therefore, the review application has become infructuous.</p> <p>Accordingly, the application is rejected as infructuous.</p> <p>Learned counsel for the respondents prays for short adjournment to bring on record the copy of the PPO in compliance of the order under execution.</p> <p>List this case on 19.12.2017 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 447 of 2017

Vikash 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>23.11.2017</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 AK Singh, Advocate holding brief of Shri PN Chaturvedi, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents assisted by Wg Cdr Sardul Singh, Departmental Representative.</p> <p>Shri AK Singh, Advocate submits that Shri PN Chaturvedi has not come to the court and prays for adjournment of the case.</p> <p>Learned counsel for the respondents also prays for some more time to file counter affidavit.</p> <p>Accordingly, the case is passed over for the day.</p> <p>List this case on 21.12.2017 for orders.</p> <p>In the mean time, counter affidavit may be filed by the learned counsel for the respondents.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

T.A. No. 27 of 2017

Sandeep Kumar

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>23.11.2017</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 Anup Chandra Srivastava, learned counsel for the petitioner and Shri Amit Jaiswal, learned counsel for the respondents assisted by Wg Cdr Sardul Singh, Departmental Representative.</p> <p>Learned counsel for the respondents prays for time to file objection on the maintainability of the T.A. Learned counsel for the petitioner also prays for a long adjournment and date after 20th January 2018.</p> <p>List this case on 22.01.2018 for orders.</p> <p>In the mean time, learned counsel for the respondents may file objection on the maintainability of the T.A.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 205 of 2014

Kumar Man 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>23.11.2017</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 Raghvendra Kumar Singh, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted two further time to file reply.</p> <p>List this case on 20.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A.No. 75 of 2015

Ravi Singh Thakur
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>23.11.2017</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, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>During course of arguments, learned counsel for the applicant prayed for a short adjournment to bring on record documents showing that the applicant was unfit during the relevant period.</p> <p>In the interest of justice, hearing of the case is postponed.</p> <p>List this case on 10.01.2018 for further hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

**O.A. No. 524 of 2012 along with O.A. No. 168 of 2012 (decided),
With M.A. No. 2280 of 2016, M.A. No. 2700 of 2016 & M.A. No. 83 of 2017**

Km. Basanti
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>23.11.2017</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.K. Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>By means of the present O.A. filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, the following reliefs have been claimed:</p> <p>(i) That this Hon'ble Tribunal may kindly be pleased to quash the impugned order dated 28.08.2012 passed by the opposite party no. 3 as contained in Annexure No. 1 to this Original Application.</p> <p>(ii) That this Hon'ble Tribunal may kindly be pleased to direct the opposite parties specially opp. party no. 3 to pay and continue the aforesaid Special Family Pension since the date of impugned order to onwards in the interest of justice along with the other consequential benefits.</p> <p>(ii)-A That this Hon'ble Court may kindly be pleased to direct the opposite parties to pay the same dues of Family Pension/ Special Family Pension/Second Life Award from 01.09.1986 to 31.10.2007, in the interest of justice with 18% interest.</p> <p>(iii) That this Hon'ble Tribunal may kindly be pleased to pass any other order or direction which this Hon'ble Court may deem just and proper in the circumstances of the case.</p> <p>(v) That this Hon'ble Tribunal may be pleased to award the cost of this Original Application Rs. 50,000/- (Rupees fifty thousand) in favour of an unmarried, handicapped and mentally retarded daughter of martyr soldier in the interest of justice.</p> <p>In pursuance to order dated 13.11.2017 passed by this Tribunal Shri</p> |

R.K. Tiwari, AAO, PCDA (Pension), Allahabad is present. Shri R.K. Tiwari has produced before us relevant record whereby it is evident that the entire dues have been paid to the applicant.

Learned counsel for the applicant submits that the applicant for the said period was entitled to Special Family Pension in pursuance to Regulations 213, 215, 216 and 220(ii) of the Pension Regulations for the Army, 1961 (Part-1). Learned counsel for the respondents has drawn our attention towards provisions of Regulation 230(C) of aforesaid Pension Regulations and submits that the case of the applicant is covered by Regulation 230 (C).

Learned counsel for the applicant fairly conceded that in view of Pension Regulations for the Army, 1961 (Part-1), the applicant has received whatever was due to her and the Original Application may be dismissed since it has served its purpose.

In view of the submission of learned counsel for the applicant, the Original Application is rendered infructuous and is hereby **dismissed** as such.

No order as to costs.

(Lt Gen Gyan Bhushan)
Member (A)

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

ukt

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A.No. 21 of 2015 with M.A. No.1011 of 2017 and M.A. No. 1243 of 2017

Maj Saurabh Dutt

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>23.11.2017</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: Applicant in person and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative and Shri R.P. Verma, learned counsel for private respondent.</p> <p>Heard applicant in person and learned counsel for the respondents at length.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 515 of 2010

Shyam Sunder

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>23.11.2017</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 applicant. Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>It is informed at Bar that Shri P.N. Chaturvedi, learned counsel for the applicant is out of station.</p> <p>In the interest of justice, hearing of the case is accordingly adjourned.</p> <p>List this case on 30.11.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

Court No. 2

O.A. No. 541 of 2017

Vijay Malik
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>22.11.2017</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 Gyan Singh, Advocate, on behalf of the respondents is taken on record.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Dr Gyan Singh, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p style="text-align: center;"><u>Order Oral</u></p> <p>By means this O.A, applicant has made the following prayer:-</p> <p>“1. The Hon'ble Tribunal may be pleased to set aside the order dated 21.07.2017.</p> <p>2. The Hon'ble Tribunal may be pleased to direct the respondent No 4 to release 25% of Army Group Insurance in favour of the applicant as per nomination made by his late husband in life time which is held with respondent No 3 and 4.</p> <p>3. The Hon'ble Tribunal may be pleased to summon the original records of nomination forms and Part II Order regarding marriage, will, Army Group Insurance, Death cum retire gratuity from custody respondent No 4 for perusal.</p> <p>4. Any other appropriate order or direction which the Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case”.</p> <p>Heard learned counsel for the parties and perused the record. With the consent of the learned counsel for the parties, this O.A. is finally disposed of at this stage by directing the respondents to dispose of the representation of the applicant dated 31.03.2017, if not already decided within a period of two months from the date of a certified copy of this order is produced before the competent authority.</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

Court No. 2

M.A. No. 203 of 2017 with M.A. No. 204 of 2017

Inre: O.A. No. 203 of 2013

Pushkar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>22.11.2017</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 RKS Chauhan, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted one day time to file objection on application for condonation of delay in filing recall application.</p> <p>List this case on 24.11.2017 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 931 of 2017 with M.A. No. 932 of 2017

Inre: O.A. No. 187 of 2014

Santhil Raju B

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>22.11.2017</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 KKS Bisht, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the applicant prays for and is granted two week's further time to file replication to objection against the application for condonation of delay filed by learned counsel for the respondents.</p> <p>List this case on 21.12.2017 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 181 of 2016

Deepak 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>22.11.2017</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 R Chandra, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Rejoinder affidavit has already been filed by learned counsel for the applicant. It is informed at the Bar that the pleadings are complete and the matter may be listed for hearing</p> <p>List this case on 11.01.2018 for hearing.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 236 of 2016

Kunal Krishna Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>22.11.2017</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: Dr Ashish Asthana, learned counsel for the applicant and Shri DK Pandey & Dr Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the applicant submitted that he is filing rejoinder affidavit today providing with a copy to learned counsel for the respondents.</p> <p>List this case on 12.01.2018 for hearing.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 398 of 2017 with M.A. No. 1595 of 2017

Smt Minakshi Bisht
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>22.11.2017</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 R Chandra, learned counsel for the applicant and Dr Chet Narain Singh, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Objection the amendment application filed by learned by the learned counsel for the respondents is taken on record, although it is application for impleadment, but it has been worded as amendment application. By means of this application, the applicant has made a prayer to implead Smt Kalawati Bisht as respondent No. 5.</p> <p>Keeping in view the dispute involved in this O.A., the proposed respondent is a necessary party, hence this amendment/impleadment application is allowed.</p> <p>The applicant is permitted to carry out necessary amendment in the array of respondents.</p> <p>Notice be issued to the newly impleaded party by registered post as well as by normal mode of service. List after service of notice on respondent No. 5.</p> <p>List this case on 10.01.2018 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 255 of 2015

Kishan 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>22.11.2017</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: Col Ashok Kumar (Retd), learned counsel for the applicant and Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the applicant prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List this case on 04.12.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 254 of 2014

TS Negi

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>22.11.2017</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 R Chandra, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the applicant pray for adjournment the case to prepare better brief of the case. Accordingly, the case is adjourned for the day.</p> <p>List this on 11.01.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 9 of 2017

Smt Radha 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>22.11.2017</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 VK Pandey, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the applicant prays for and is granted four week's further time to file rejoinder affidavit.</p> <p>List this case on 03.01.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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 339 of 2016 with M.A. No 1222 of 2016 & M.A. No 714 of 2017
Inre O.A. Nil of 2016**

Rati Bhan Yadav

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>22.11.2017</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 VP Pandey, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the respondents submitted that he has provided copy of the objection on the application for condonation of delay to learned counsel for the applicant and he shall file the objection in the Registry during the course of the day.</p> <p>Learned counsel for the applicant may file replication within two weeks.</p> <p>List this case on 20.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 104 of 2016 with M.A. No 1767 of 2017

Smt Pankaj 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>22.11.2017</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, Advocate holding brief for Shri SK Pandey, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Shri V.P. Pandey prays for time to file amendment application.</p> <p>He may do so within two weeks.</p> <p>List this case of 22.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 95 of 2017

Gaganjot Kaur

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>22.11.2017</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: Maj RD Singh (Retd), learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative and Shri Ram Kumar Verma, learned counsel for respondent no. 5.</p> <p>Heard learned counsel for the applicant and Shri Ram Kumar Verma, Advocate for private respondent no. 5 and Shri Sunil Sharma, learned counsel for other respondents.</p> <p>Vide order dated 13.10.2017 it was directed that the case shall proceed ex parte against respondent no. 5. It is submitted by learned counsel appearing for respondent no. 5 that he shall file his power within a short period. He made an oral prayer to recall order dated 13.10.2017 by means of which the case has been directed to proceed ex parte against respondent no. 5.</p> <p>Learned counsel for the applicant has been heard with regard to prayer for grant of interim maintenance.</p> <p>Order is reserved on the prayer for grant of interim maintenance.</p> <p>In the interest of justice, Shri Ram Kumar Verma, Advocate is permitted to file objection, if any, within three days.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 45 of 2016

Smt Basundhara Pokhrel
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>22.11.2017</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. Shri Amit Jaiswal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>In this Transferred Application notices sent to the petitioner Smt. Basundhara Pokhrel have not been received back served or unserved.</p> <p>By means of this T.A., the petitioner has made a prayer for grant of family pension.</p> <p>In the interest of justice, we consider it appropriate to issue fresh notice to the petitioner.</p> <p>Registry shall issue notice to the petitioner returnable at an early date.</p> <p>List this case on 29.01.2018 for orders showing correct name of learned counsel for the respondents Shri Amit Jaiswal.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

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>22.11.2017</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, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. (A) 279 of 2013

Manoj Kumar 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>22.11.2017</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 KKS Bisht, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>The present O.A relates to the year 2013. A perusal of the order sheet shows that learned counsel for the applicant has made prayer for adjournment of the case on several occasions. Today again, prayer has been made by learned counsel for the applicant for adjournment of the case with the further prayer that the O.A. may be listed in the month of January, 2018.</p> <p>In compliance to order dated 14.11.2017, the respondents have obtained the original record pertaining to the case.</p> <p>However, in the interest of justice, a last opportunity is granted to the learned counsel for the applicant to prepare and argue the case failing which we may proceed to hear and dispose of the case finally.</p> <p>List this case on 03.01.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 87 of 2013

Mahindra Singh Bisht

Petitioner

By Legal Practitioner for Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>22.11.2017</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 Alam Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 284 of 2016

Rajendra Pratap Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>21.11.2017</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>O.A. No. 284 of 2016, Rajendra Pratap Singh vs. Union of India and others is allowed.</p> <p>For order see our judgment passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) (Justice S.V.S. Rathore) Member(A) Member (J)</p> <p>ukt</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 1988 of 2017 Inre O.A. No. Nil of 2017

Smt. Sarita 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>21.11.2017</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 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>Present: Shri O.P. Kushwaha, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file objection on application for condonation of delay. Reply, if any, may be filed by learned counsel for the applicant within a week, thereafter.</p> <p>List this case on 21.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

DY. No. 1572 of 2017 with M.A. No. 1980 of 2017 Inre O.A. No. Nil of 2017

Ravinder Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>21.11.2017</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 Rohit Kumar, learned counsel for the applicant and Shri Kaushik Chatterjee, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p><u>M.A. No. 1980 of 2017</u></p> <p>Objection on bail application filed by learned counsel for the respondents is taken on record.</p> <p><u>O.A. No. Nil of 2017</u></p> <p>This is an application moved by the wife of Ravinder Singh for interim relief and releasing her husband on bail during the pendency of the present Original Application.</p> <p>We have heard learned counsel for the parties on application for interim relief under Section 15 of the Armed Forces Tribunal Act, 2007. By means of this O.A. the applicant has challenged his conviction and punishment awarded by District Court Martial which was concluded on 25.10.2016, whereby he has been awarded the following punishments:</p> <ul style="list-style-type: none">(a) Reduced to rank.(b) RI for two years.(c) Dismissal from service. <p>The husband of the applicant had preferred Statutory Appeal dated 20.04.2017 under Section 164 (2) of the Army Act 1950 which has been dismissed.</p> <p>Submission of learned counsel for the applicant is that Ravinder Singh has been dismissed from service and is under confinement. He has already served almost half of the sentence</p> |

inflicted on him. In this case, no FIR was lodged. Keeping in view the nature of offence and the period of sentence awarded to Ravinder Singh, he deserves to be released on bail. Learned counsel for the applicant has submitted that husband of the applicant has a family to maintain and she is suffering irreparable loss because of his custody during pendency of this Original Application, in which he has full hope of getting the relief. The husband of the appellant has a fixed place of abode and there are no chances of his absconding. As per the record, there is no other criminal history of Ravinder Singh and his character has been reported to be exemplary except this incident.

The bail application is vehemently opposed by the respondents. It has been argued that applicant trespassed into the quarter of another Sepoy and outraged modesty of the wife of Sepoy residing in that quarter.

We have gone through the entire matter. The applicant has been confined in prison from the date the sentence was inflicted. However, the facts and details narrated above has been admitted.

Keeping overall view of the matter, we are of the considered view that the execution of sentence of Ravinder Singh deserves to be suspended during pendency of the Original Application and he deserves to be released on bail.

Accordingly, this application is allowed and the execution of sentence awarded to Ravinder Singh is hereby suspended.

Ravinder Singh shall be released on bail on his furnishing a personal bond of Rs. 50,000/- (Fifty Thousand) with two sureties each in the like amount to the satisfaction of the Registrar of this Tribunal. On furnishing sureties, as stated above, Registrar shall then issue the release order, which in turn will be conveyed to the concerned Jail Superintendent, wherein Ravinder Singh is presently confined serving out his sentence.

After the release of Ravinder Singh, the bail bonds furnished for his release, shall be kept on record with the main record.

Aforesaid application stands disposed of accordingly.

List this case of **11.01.2018** for orders.

(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

Court No. 2

M.A. No. 1788 of 2016 with M.A. No. 1163 of 2017

A.K. Das

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>21.11.2017</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 VP Pandey, Advocate, holding brief of Shri S.K. Pandey, learned counsel for the applicant and Shri Sidharth Dhaon, learned counsel for the respondents.</p> <p>Shri VP Pandey, Advocate, submits that learned counsel for the applicant is not available today and prays for adjournment of the case. Learned counsel for the respondents has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 19.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 863 of 2017 Inre M.A. No. 1777 of 2017, Inre O.A. No. Nil of 2017

Jitendra 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>21.11.2017</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 Sudhir Kumar Singh, learned counsel for the applicant and Shri Virendra Singh, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p><u>Misc. Application No. 863 of 2017</u></p> <p>Heard Learned Counsel for the parties on application for condonation of delay.</p> <p>Ld. Counsel for the Respondents submits that there is delay of about 34 years, 08 months and 27 days in filing this O.A. In support of his contention, he has also filed objection to the application for condonation of delay.</p> <p>On the other hand, Ld. Counsel for the Applicant has submitted that this Original Application has been filed for grant of arrears of family pension to the grandmother of the applicant. He has further submitted that it is established position of law that pension matter is a continuing recurring cause of action and therefore, is not barred by limitation. Learned counsel for the applicant submitted that delay in filing of this Original Application is neither deliberate nor intentional, but circumstantial.</p> <p>Ld. Counsel for the Applicant further submitted that in view of the 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 Union of India vs. Tarsem Singh reported in 2008 (8) SCC 648 on the ground of delay and laches. The Hon'ble Apex Court has observed a under:-</p> <p><i>"5. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where</i></p> |

remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the re-opening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re-fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. In so far as the consequential relief of recovery of arrears for a past period, the principles relating to recurring/successive wrongs will apply. As a consequence, High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

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.

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 **Tarsem Singh** (supra), we are of the opinion that the delay in filing of the Original Application has been satisfactorily explained by the Applicant.

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 by learned counsel for the applicant within two weeks’ thereafter.

List this case on **15.01.2018** for orders.

(Lt Gen Gyan Bhushan)
Member (A)

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

ukt

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 208 of 2014

Pravind 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>21.11.2017</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 D.K. Pandey, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the applicant submits that he does not intend to file supplementary rejoinder affidavit and submits that the matter be listed for hearing.</p> <p>List this case on 04.01.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 232 of 2014

Rohini 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>21.11.2017</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 Amit Jaiswal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the applicant submits that he does not intend to file rejoinder affidavit and submits that the matter be listed for hearing. His opportunity to file rejoinder affidavit is hereby quashed.</p> <p>List this case on 20.12.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 121 of 2015 with M.A. No. 589 of 2016

Smt. Priyanka 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>21.11.2017</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 Bhaskar Pratap Dubey, learned counsel for the applicant and Dr. Shailendra Sharma Atal and Shri Shailendra Kumar Singh, learned counsel for the respondents.</p> <p>Shri Shailendra Kumar Singh, learned counsel for Respondent No 6 prays for and is granted two weeks' further time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within a week, thereafter.</p> <p>List this case on 20.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 214 of 2016

Smt. Rajni Verma

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>21.11.2017</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>Vakalatnama filed by Shri Nazrul Islam, Advocate, on behalf of Respondent No 4 is taken on record. Office is directed to show his name as learned counsel for the respondent on the next date.</p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant and Shri Sunil Sharma, Himanshu Vaish and Shri Nazrul Islam, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for Respondent No 1 and 3 prays for and is granted two weeks' time to file counter affidavit. Learned counsel for Respondent No 4 declines to file counter affidavit.</p> <p>List this case on 21.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 213 of 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>21.11.2017</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, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Argument concluded.</p> <p>Order reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 46 of 2016

Smt. Munni 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>21.11.2017</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 Yashpal Singh, Advocate, holding brief of Shri Veer Raghav Chaubey, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Shri Yashpal Singh, Advocate, submits that learned counsel for the applicant is not available today and prays for adjournment of the case. Learned counsel for the respondents has no objection. Accordingly, the case is adjourned.</p> <p>List this case on 05.01.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 230 of 2016

Akhilesh 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>21.11.2017</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 Bhanu Pratap Singh, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Argument concluded.</p> <p>Order reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 147 of 2017

Smt. Gomati 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>21.11.2017</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 Amit Jaiswal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the applicant submits that he shall file rejoinder affidavit in the registry during course of the day.</p> <p>List this case on 09.01.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 573 of 2010

Satyendra Prasad

By Legal Practitioner for Petitioner

Petitioner

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>21.11.2017</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 Rohit Kumar, learned counsel for the petitioner and Shri Virendra Singh and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties in part.</p> <p>List this case on 29.11.2017 for further hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 107 of 2011 with M.A. 2047 No 0f 2017

Lekh Raj Singh

Petitioner

By Legal Practitioner for Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>21.11.2017</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, learned counsel for the petitioner and Mohd Zafar Khan, learned counsel for the respondents.</p> <p><u>M.A. No 2047 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 respondents submits that original documents pertaining to case are not available today and prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case on 20.12.2017 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 44 of 2016

Sundra Singh

Petitioner

By Legal Practitioner for Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>21.11.2017</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, learned counsel for the petitioner and Shri Asheesh Agniotri, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submits that he is not prepared to argue the case and prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case on 08.01.2018 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>anb</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

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

Ramesh Chandra Dixit

In Person

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>20.11.2017</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 Ramesh Chandra Dixit, in person, and Dr Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Shri Ramesh Chandra Dixit, applicant, appears in person prays for and is granted four weeks' further time for better preparation of the case and to amend prayer clause of the original application.</p> <p>List this case on 04.01.2018 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A) RPM/-</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

T.A. No. 37 of 2016

KN Dwivedi

In Person

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>20.11.2017</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 KN Dwivedi, in person, and Shri Virendra Singh, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>In compliance of the Court order dated 01.11.2017, Shri KN Dwivedi, applicant, appears in person has filed Bench copy of the petition. He prays for and is granted further four weeks' time to file rejoinder affidavit.</p> <p>List this case on 05.01.2018 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(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. 255 of 2015

Kishan 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>20.11.2017</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 Rohit Kumar, learned counsel for the applicant and Shri Kaushik Chatterji, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Shri Rohit Kumar, learned counsel for the applicant prays more time for preparation of the case.</p> <p>Time prayed for is granted.</p> <p>As prayed, list this case on 22.11.2017 for further hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original records for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(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

T.A. No. 349 of 2010 with M.A. No. 1818 of 2017

Ramayan Mishra

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>20.11.2017</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 P. Tripathi, learned counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the petitioner prays for and is granted two weeks' further time to file supplementary rejoinder affidavit.</p> <p>List this case on 07.12.2017 for further hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original records for perusal of the Bench.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(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. 385 of 2011

Sharma Naresh 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>20.11.2017</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 P. Tripathi, Advocate, holding brief of Shri Virat Anand Singh, learned counsel for the applicant and Shri DK Singh, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p><u>M.A. No. 2036 of 2017</u></p> <p>Supplementary counter affidavit filed by learned counsel for the respondents, in Court today, is taken on record.</p> <p>Shri Ravi P. Tripathi, holding brief of Shri Virat Anand Singh, learned counsel for the applicant prays for and is granted three weeks' time to file supplementary rejoinder affidavit.</p> <p>List this case on 19.12.2017 for orders.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(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. 1886 of 2017 with M.A.No.1887 of 2017

Inre: T.A. No. 17 of 2015

Union of India & others

By Legal Practitioner for Petitioner

Petitioner

Versus

Ex Capt Trilok Singh

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>16.11.2017</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: Dr SN Pandey, learned counsel for the petitioner.</p> <p>Heard learned counsel for the petitioner on this petition, 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 05.10.2017 passed by this Court in T.A. No. 17 of 2015.</p> <p>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>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 214 of 2017

Gyan 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>16.11.2017</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 R Chandra, learned counsel for the applicant and Shri Ashish Saxena, learned counsel for the respondents assisted by Maj Piyush Thakran, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted two week's further time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the within two week's thereafter.</p> <p>List this case on 03.01.2018 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 240 of 2017

Sinhasan 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>16.11.2017</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: Col YR Sharma, learned counsel for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents assisted by Maj Piyush Thakran, Departmental Representative.</p> <p>Learned counsel for the respondents submitted that he shall be filing counter affidavit in the registry during course of the day.</p> <p>Rejoinder affidavit, if any, may be filed by learned counsel for the within two week's thereafter.</p> <p>List this case on 04.01.2018 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 75 of 2016

Rajesh Kumar

Petitioner

By Legal Practitioner for Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>16.11.2017</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 Rohit Kumar, learned counsel for the petitioner and Dr SN Pandey, learned counsel for the respondents assisted by Maj Piyush Thakran, Departmental Representative.</p> <p>Learned counsel for the petitioner prays for and is granted four week's further time to file rejoinder affidavit.</p> <p>List this case on 08.01.2018 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 1978 of 2017 with M.A.No.1979 of 2017

Inre: O.A. No. 329 of 2015

Union of India & others

By Legal Practitioner for Applicant

Applicant

Versus

Lt Col Ram Raj Singh (Retd)

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>15.11.2017</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 Rajiv Pandey, learned counsel for the applicant.</p> <p><u>M.A. No. 1978 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 14.09.2017, passed by this Court in O.A. No. 329 of 2015.</p> <p>As per stamp reporter's report, there is delay of 27 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><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</i></p> |

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.1979 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.

Even otherwise also, we find that the matter pertains to grant of disability pension but we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also 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. 2

M.A. No. 1155 of 2017 with M.A. No. 1156 of 2017

Inre: M.A. No. 1604 of 2016 & 1605 of 2017

Inre: T.A. No. 1285 of 2010

Rakesh Kumar 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>15.11.2017</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 Om Prakash Kuswaha, learned counsel for the petitioner and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Piyush Thakran, Departmental Representative.</p> <p>Learned counsel for the respondents submits that he shall file his objection on the application for condonation of delay in filing the recall application during the course of the day.</p> <p>Since it is an old matter, list this case on 20.11.2017 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

O.A. No. 195 of 2010

Anil Kumar Arya

By Legal Practitioner for Petitioner

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>15.11.2017</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 Lalit Kumar, learned counsel for the petitioner and Dr Gyan Singh, learned counsel for the respondents alongwith Maj Piyush Thakran, Departmental Representative.</p> <p>As prayed, list this case on 30.11.2017 for orders as Circuit Bench, Nainital.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 2090 of 2016
Inre: M.A. No. 337 of 2011

Smt Pyari 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>15.11.2017</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 Vinay Pandey, Advocate holding brief of Shri PK Shukla, learned dcounsel for the applicant and Dr Gyan Singh, learned counsel for the respondents alongwith Maj Piyush Thakran, Departmental Representative.</p> <p>Shri Vinay Pandey, Advocate submits that Shri PK Shukla, learned counsel for the applicant has not come to the Court and prays for adjournment of the case. Accordingly, the case is adjourned for the day.</p> <p>List this case on 12.01.2018 for order.</p> <p>Meanwhile, learned counsel for the respondents shall seek report regarding papers submitted to the Disbursing Authorities in Nepal and submit the same on the date fixed.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

DY-No. 1572 of 2017

Inre: O.A. No. Nil of 2017

Ravinder Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>13.11.2017</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 Rohit Kumar, learned counsel for the applicant and Shri Kaushik Chatterjee, learned counsel for the respondents alongwith Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the respondents has submitted that he shall file objection to the bail application during course of the day.</p> <p>Learned counsel for the applicant prays for and is granted short time to file his reply to the objection.</p> <p>List this case on 21.11.2017 for orders.</p> <p>In the mean time, learned counsel for the applicant shall amend the prayer clause in the O.A. in pursuance of the order dated 13th October 2017.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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

M.A. No. 1583 of 2017
Inre: O.A. No. Nil of 2017

Sep/Driver Vijay Amrit 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>13.11.2017</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 Ashish Agnihotri, learned counsel for the respondents alongwith Maj Rajshri Nigam, Departmental Representative.</p> <p>It is informed at the Bar that Shri KK Misra, learned counsel for the applicant is out of station.</p> <p>Objection on the application for condonation of delay filed by the learned counsel for the respondents is taken on record.</p> <p>Learned counsel for applicant is granted four weeks' time to file reply to the objection.</p> <p>Learned counsel for the respondents submits that he shall file his application challenging the maintainability to the O.A.</p> <p>List this case on 11.12.2017 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 164 of 2017 with M.A. No. 1964 of 2017

Smt Asha 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>13.11.2017</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 Arun Kumar Sahu, learned counsel for the respondents alongwith Maj Rajshri Nigam, Departmental Representative.</p> <p><u>M.A. No. 1964 of 2017</u></p> <p>Counter affidavit filed by the 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 this case on 14.12.2017 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 331 of 2017

Sunita Yadav M/o Late Sigmn Subhash Kumar 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>13.11.2017</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 Om Prakash, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents alongwith Maj Rajshri Nigam, Departmental Representative.</p> <p>Learned counsel for the respondents submits that he shall file the counter affidavit within a week, as the same has been prepared. Time prayed for is granted.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' thereafter to file rejoinder affidavit</p> <p>List this case on 12.12.2017 for orders.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. 184 of 2017

Pradeep 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>13.11.2017</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 Lalit Kumar, learned counsel for the applicant and Dr Chet Narain Singh, learned counsel for the respondents alongwith Maj Rajshri Nigam, Departmental Representative.</p> <p>During the course of arguments, learned counsel for the applicant has placed reliance on some pronouncements and copies of which have been provided to the learned counsel for the respondents, who prays for time to go through it.</p> <p>List this case on 15.11.2017 for further hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case.</p> <p>(Lt. Gen. Gyan Bhushan) Member (A)</p> <p>(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. (A) No. 420 of 2017 with M.A.No.1658 of 2017

Mohd Meraj Khan (Through Wife Smt Tarannum Nisha)
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>13.11.2017</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 Mrs Appoli Srivastava, learned counsel for the respondents assisted by Maj Rajshri Nigam, Departmental Representative.</p> <p>Objection on interim bail application filed by learned counsel for the respondents today in Court, is taken on record.</p> <p><u>M.A.No.1658 of 2017</u></p> <p>This is a Misc. Application under Section 15 of the Armed Forces Tribunal Act, 2007 with the prayer for grant of bail to the applicant/appellant Mohd Meraj Khan, who is in custody after his conviction by DCM, whereby the applicant/appellant Mohd Meraj Khan was tried and was inflicted the following sentences : (a) to reduce to ranks, (b) to suffer Rigorous Imprisonment for two years and to be dismissed from service.</p> <p>The allegations against the applicant/appellant Mohd Meraj Khan, as transpires from the objections filed by the respondents to this bail application, are that the Punjab Police had arrested three touts in Ferozpur in the month of February 2013 and on their interrogation, the name of Naik Kuldeep Singh of 13 Sikh came into light for being a link for touts/recruitment racket. Thereafter, police approached Naik Kuldeep Singh and on his interrogation, name of Sepoy Gurnam Singh of 350 Infantry Brigade Camp came into light. A Board of Officers was detailed to carry out the questioning of Sepoy Gurnam Singh and during questioning Sepoy Gurnam Singh admitted that he was involved in the recruitment racket. During questioning, several calls</p> |

on his mobile started coming and when he was asked about the calls, he told that Hav/Clerk Mohammad Meraj Khan is calling again and again for getting the balance of the touting money. He was then asked to keep his mobile phone on speaker and the conversation confirmed that he was the applicant/appellant speaking and asked Gurman Singh for payment of the balance tout money. Then it was decided by the Board of Officers to catch the accused red handed and as per the plan accused/applicant was caught red handed with the tout money of Rs.9000/-.

The submission of the learned counsel for the applicant is that as per the allegations of the prosecution, three persons namely the applicant, Kuldeep Singh and Gurnam Singh were involved in this recruitment racket. His submission is that Naik Kuldeep Singh was the master-mind behind it. Mohd. Meraj Khan, applicant used to give prior information of the result of the selection to Gurman Singh who used to pass over the same to Kuldeep Singh. Applicant used to get money from Gurman Singh. The submission of the learned counsel for the applicant is that Kuldeep Singh, who was the master-mind of the entire racket, has already been acquitted by a competent Criminal Court and Gurman Singh, who was also convicted by the DCM, has already been released on bail by the order of the Armed Forces Tribunal, Regional Bench, Chandigarh in O.A.No.327 of 2017 vide order dated 10th March 2017.

Learned counsel for the respondents has filed his written objections to this bail prayer and has argued that the role of the applicant was different. He was the person, who used to procure the prior information of the select list and for that he used to get money from Gurnam Singh. It is admitted that Gurman Singh has already been granted bail and Kuldeep Singh has already been acquitted by the court of competent jurisdiction. On the basis of the records, learned counsel for the respondents has informed that on 31st December 2016, the DCM has mentioned in its order that the applicant was in custody for the last 78 days, therefore, it is also admitted that the applicant is in continuous custody for more than one year.

It is argued on behalf of the applicant that the applicant has agricultural land and has a fixed place of abode. He has also to look after his family, therefore, there are no chances of his absconding. On this point, in the objections to bail application filed by the respondents,

no apprehension has been raised by the respondents that applicant may abscond.

Without expressing any opinion on the merits of the case, keeping in view the fact that Gurnam Singh has already been granted bail by the Armed Forces Tribunal, Regional Bench, Chandigarh and the applicant has already served more than half of the period of sentence imposed by the DCM, we find it to be sufficient ground to suspend the execution of the sentence during the pendency of the instant appeal and to release him on bail.

Accordingly, this application is allowed and the execution of sentence is hereby suspended.

The applicant/appellant shall be released on bail on his furnishing a personal bond of Rs.50,000/- (Fifty Thousand) with two sureties each in the like amount to the satisfaction of the Registrar of this Tribunal. On furnishing sureties, as stated above, Registrar shall then issue the release order, which in turn will be conveyed to the concerned Jail Superintendent, wherein the applicant/appellant is presently confined serving out his sentences.

After the release of the applicant/appellant, the bail bonds furnished for his release, shall be kept on record with the main record.

M.A. aforesaid stands disposed of accordingly.

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

List this case on **15.12.2017** for orders.

(Lt. Gen. Gyan Bhushan)
Member (A)

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

PKG