

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

**M.A. No. 1291 of 2014 with M.A. No. 292 of 2014
(Inre: M.A. No. 329 of 2013 & O.A. No. 43 of 2011)**

Ex Lt Col Kuldeep Chander Raina
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondent

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p><u>M.A. No. 1291 of 2014.</u></p> <p>This is an application for condoning the delay in moving the application for recall of order dated 22.07.2014 by means of which Misc. Application No. 657 of 2014 is dismissed for non-prosecution and in consequence thereof the Original Application No. 43 of 2011 was also dismissed.</p> <p>We have gone through the application and reason shown therein which seems to be genuine. Accordingly, order dated 22.07.2014 passed in Misc. Application No. 657 of 2014 is hereby recalled and both are restored to their original No. Office is directed to list aforesaid application along with Original Application No. 43 of 2011 for orders before court concerned having jurisdiction as per roster of that date.</p> <p>List on 02.07.2015.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

**M.A. No. 755 of 2015 along with R.A. No. 05 of 2015
(Inre: O.A. No. 148 of 2013)**

Union of India & Others

By Legal Practitioner for Applicants

Applicants

Versus

Jatinder Kumar Pandey

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p><u>M.A. No. 755 of 2015.</u></p> <p>This is an application for condoning the delay in filing the review application for reviewing of our judgment and order dated 13.02.2015 under Rule 18(3) of the AFT(Procedure) Rules, 2008.</p> <p>As per office report there is delay of 30 days in filing the Review Application. The reasons shown in the application for condoning the delay seems to be genuine. Accordingly, delay in filing the review application is hereby condoned.</p> <p><u>R.A. No. 05 of 2015 .</u></p> <p>The Review Application has come before us on circulation under Rule 18(3) of the AFT(Procedure) Rules, 2008 by Union of India and Others to review the judgment and order dated 13.2.2015, passed in O.A. No. 148 of 2013.</p> <p>We have gone through the judgment and order dated 13.2.2015 and record of the case and we do not find any illegality and ambiguity apparent on the face of record so as to review our aforesaid order dated 13.02.2015.</p> <p>Accordingly, Review Application No 05 of 2015 is hereby rejected.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>rpm.</p>

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

Court No. 3

R.A. No. 03 of 2015
(Inre: M.A. No. 581 of 2014)

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Awadhesh Kumar Pathak
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>This Review Application No. 03 of 2015 has been filed by Union of India & Others for reviewing the order dated 11.3.2015, passed in Misc. Application Nos. 581 of 2014 and 417 of 2015 along within Original Application.</p> <p>As it comes out that due to outcome of Summary Court Martial Proceedings, applicant was awarded dismissal from service and having aggrieved against the order, filed O.A. along with application for condonation of delay.</p> <p>As per office report there is delay of 17 years, 3 months and 18 days in filing the Original Application. We have gone through the records of above mentioned Misc Application Nos. as well as our order passed on 11.03.2015. While hearing the application under Section 5 of the Limitation Act and by the office report indicating therein a delay of 17 years, 3 months and 18 days which was not explained properly. The respondents counsel stated that he be permitted now to file a petition under Section 164(2) of the Army Act before the COAS. As such this court has disposed of this original application and directed the applicant to file the petition under Section 164(2) of the Army Act before the COAS and directed that the same be disposed of by the COAS with a speaking order within three months from the date of receipt of the petition, if preferred by the applicant and thereof the applicant was given a liberty to approach this Tribunal if so advised.</p> <p>Now this Review Application has been filed by Union of India to review our Order as per instructions laid down in letter no. 62736/AG/DV-1(P) of AG's Branch, Integrated HQ of MoD(Army), New Delhi dated 12.04.2013 which was not placed on record on</p>

11.3.2015.

We have carefully gone through our order dated 11.03.2015 and the record and we don't find any illegality and ambiguity apparent on the face of record so as to review our aforesaid order dated 11.03.2015. As such aforesaid review application lacks merit and accordingly, the Review Application No. 03 of 2015 is dismissed.

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

(Justice Abdul Mateen)
Member (J)

rpm.

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

Court No. 3

M.A. No. 827 of 2015 along with R.A. No. 06 of 2015 and M.A. No. 828 of 2015
(Inre: T.A. No. 1227 of 2010)

Ex Sep Madan Prasad
By Legal Practitioner for Applicants

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondent

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p><u>M.A. No. 827 of 2015.</u></p> <p>This is an application for condoning the delay in filing the review application for reviewing of our judgment and order dated 16.02.2015 under Rule 18(3) of the AFT(Procedure) Rules, 2008.</p> <p>As per office report there is delay of 1 month and 07 days in filing the Review Application. The reasons shown in the application for condoning the delay seems to be genuine. Accordingly, delay in filing the review application is hereby condoned.</p> <p><u>R.A. No. 06 of 2015.</u></p> <p>The Review Application has come before us on circulation under Rule 18(3) of the AFT(Procedure) Rules, 2008 by applicant to review the judgment and order dated 16.2.2015, passed in T.A. No. 1227 of 2010.</p> <p>We have gone through the judgment and order dated 16.2.2015 and record of the case and we do not find any illegality and ambiguity apparent on the face of record so as to review our aforesaid order dated 16.02.2015.</p> <p>Accordingly, Review Application No 06 of 2015 is hereby dismissed.</p> <p>(Lt. Gen A.M. Verma) Member (A) rpm.</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

Court No. 3

M.A. No. 727 of 2015 along with R.A. No. 04 of 2015
(Inre: T.A. No. 489 of 2010)

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Anil Chaudhary
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p style="text-align: center;"><u>M.A. No. 727 of 2015.</u> This is an application for condoning the delay in filing the review application for reviewing of our judgment and order dated 06.02.2015 under Rule 18(3) of the AFT(Procedure) Rules, 2008.</p> <p>As per office report there is delay of 30 days in filing the Review Application. The reasons shown in the application for condoning the delay seems to be genuine. Accordingly, delay in filing the review application is hereby condoned.</p> <p style="text-align: center;"><u>R.A. No. 04 of 2015.</u></p> <p>The Review Application has come before us on circulation under Rule 18(3) of the AFT(Procedure) Rules, 2008 by Union of India and Others to review the judgment and order dated 06.2.2015, passed by this Bench in T.A. No. 489 of 2010 whereby findings and sentence of District Court Martial were quashed and directed that petitioner would be deemed to have been discharged from service on 9.11.2001, i.e. the date on which he completed the sentence of one year's R.I. and further that the applicant is eligible for pension and all related benefits treating him to be notionally in service till 9.1.2001 for the period served in the Army less non-qualifying service.</p> <p>We have gone through the judgment and order dated 06.2.2015 and record of the case once again and we do not find any illegality and ambiguity apparent on the face of record so as to review our aforesaid order dated 06.02.2015.</p> <p>Accordingly, Review Application No 04 of 2015 is hereby dismissed.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>rpm.</p>