

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A.(A) No. 105 of 2015

Trilok 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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri D.K. Pandey on behalf of respondents no. 1 to 3 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri R.K. Ojha, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the applicant on admission of this appeal.</p> <p>Aggrieved against the outcome of SCM proceedings, drawn against the applicant under Section 52(a) of the Army Act and consequently sentencing him from dismissal from service, this appeal has been moved by the applicant under Section 15 of the A.F.T. Act, 2007.</p> <p>The argument advanced by learned counsel for the applicant is that during the course of trial neither the applicant was afforded an opportunity in the shape of allowing a 'Friend of Accused' to defend his case nor the applicant was afforded to cross-examine the prosecution witnesses. Further argument of learned counsel for the applicant is that since the applicant has been tried under Section 52(a) of the Army Act, therefore, the punishment so awarded to the applicant, dismissing him from service, is too harsh.</p> <p>We have also gone through the appeal and the annexures annexed thereto. We are of the view that the grounds raised by learned</p>

counsel for the applicant seem to be arguable. Accordingly, we **admit** this appeal.

As prayed by learned counsel for the respondents, six weeks' time is granted to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List on 10.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 145 of 2015
(Inre: O.A. No. Nil of 2015)

Srikant Chaubey
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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri V.P. Pandey, Advocate, appeared and stated that Shri Subhash Chandra Yadav, learned counsel for the applicant, could not come to this Court today. Shri Pandey, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>While going through the order-sheets we find that on 16.3.2015 when the case was taken up Capt. Ridhishri Sharma, Departmental Representatiave, was present and on her request the respondents were granted six weeks' further time to file objection on the delay condonation application, but the objection has not yet been filed. Even Shri Devendra Kumar, learned Standing Counsel, whose name has been shown in the cause list, is also not present in Court.</p> <p>Capt. Ridhishri Sharma prays for and is granted further six weeks' time and no more to file objection on the delay condonation application.</p> <p>List on 21.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 573 of 2010

Satyendra Prasad

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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri Prakhar Kankan, learned counsel for the respondents, is not present in Court.</p> <p>On call of the case Shri R. Chandra, Advocate, appeared and stated that Col. Ashok Kumar (Retd.) and Shri Rohit Kumar, learned counsel for the applicant, are out of station. Shri Chandra, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 13.7.2015 for orders/admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 163 of 2010

I.K. Khurana

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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri D.K. Pandey on behalf of the respondents is taken on record. When the case is next listed, his name be shown as counsel for the respondents.</p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri R. Chandra stated that this case will be argued by Shri K.C. Ghildyal and prays that since the matter pertains to Madhya Pradesh, as such this case be taken up at Circuit Bench, Jabalpur.</p> <p>As prayed by Shri R. Chandra, list this case before the Circuit Bench at Jabalpur on 13.5.2015 for orders.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 427 of 2012

Sajan 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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Ranjan Mishra, Advocate, appeared and stated that Shri K.K. Mishra is out of station. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 14.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 126 of 2014

Suman 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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the case. Accordingly, O.A. No. 126 of 2014 is dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A.(A) No. 99 of 2014 with M.A. No. 513 of 2015

Hav Mahadev Rao Talagapu
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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Ishraq Farooqui, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 513 of 2015.</u></p> <p>This is an application for taking rejoinder affidavit on record. The rejoinder affidavit is taken on record. The application is disposed of accordingly.</p> <p>As prayed, list this case again for orders/admission on 17.7.2015 before the appropriate Court having jurisdiction, as per roster of that date. On the next date learned counsel for the applicant will satisfy the Court with respect to maintainability of this Appeal and also with respect to not availing alternative remedy as provided under the Law.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 528 of 2010

Laxmi Prasad

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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Anurag Tyagi holding brief of Shri Anuj Kudesia, learned counsel for the applicant, and Shri R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Anurag Tyagi states that Shri Anuj Kudesia has not come to this Court today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 16.7.2015 for orders/admission before the appropriate Court having jurisdiction, as per roster of that date. On the next date learned counsel for the applicant will satisfy the Court with respect to maintainability of this O.A. since the relief claimed relates to quashing of the punishment awarded to the applicant during Summary Court martial Trial.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 317 of 2013

Mukesh Purwanshi
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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri R. Chandra, Advocate, appeared and stated that Col. Ashok Kumar (Retd.) and Shri Rohit Kumar, learned counsel for the applicant, are out of station. Shri Chandra, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 14.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 31 of 2012 with M.A. No. 41 of 2015

Shatrughan Singh Chauhan
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>08.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the case. Accordingly, M.A. No. 41 of 2015 as well as T.A. No. 31 of 2012 are dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

Court No. 3

M.A. No. 144 of 2015

Yogendra 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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri V.P. Pandey, Advocate, appeared and stated that Shri Shubhash Chandra Yadav, learned counsel for the applicant, has not come to this Court today. Shri Pandey, therefore, prays for adjournment.</p> <p>While going through the order-sheets of the case we find that the respondents were granted time to file objection on the delay condonation application. The objection is still not on record. Learned counsel for the respondents, therefore, prays for and is granted further one week's time to file objection on the delay condonation application.</p> <p>List on 26.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 881 of 2015 with M.A. No. 882 of 2015

(Inre: Dy No. 1073 of 2014)

Mehboob Khan

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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 882 of 2015.</u></p> <p>This is an application for recall of our order dated 11.9.2014 dismissing Original Application (Dy. No. 1073 of 2014) for non-prosecution.</p> <p>The affidavit filed in support of this application appears to be vague and cannot be accepted.</p> <p>Shri Vinay Pandey prays that he intends to file a better affidavit. He, therefore, prays for and is granted two weeks' time to file a better affidavit.</p> <p>List on 29.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A.(A) No. 210 of 2010

AK Chatterjee

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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri S.K. Banerjee, learned counsel for the applicant, and Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant submits that he intends to file additional supplementary rejoinder affidavit to the additional supplementary counter affidavit filed by the respondents in May, 2014. He, therefore, prays for and is granted a week's time for the same.</p> <p>List on 27.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 213 of 2009

Hans Lal Kushwaha

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the case. Accordingly, T.A. No. 213 of 2009 is dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 699 of 2010

Anand Kumar Srivastava
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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case a person claiming himself to be Anand Kumar Srivastava, the applicant, appeared and stated that his counsel, Shri M. Shukla, has not come to this Court today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 9.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 700 of 2010

Anand Kumar Srivastava
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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case a person claiming himself to be Anand Kumar Srivastava, the applicant, appeared and stated that his counsel, Shri M. Shukla, has not come to this Court today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 19.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 193 of 2013

Hav Ajay 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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Dileep Singh, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri R. Chandra, learned counsel for the applicant, submits that the punishment awarded to the applicant by summary disposal. He, therefore, rightly conceded that this O.A. is not maintainable before this Tribunal.</p> <p>Accordingly, this Original Application No. 193 of 2013 is dismissed as not maintainable. However, as prayed by learned counsel for the applicant, the applicant is granted liberty to approach the appropriate forum within thirty days from today, if so advised, and dismissal of this O.A. will not be of any hindrance of approaching the appropriate forum.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 596 of 2010

Udai Veer 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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey prays for and is granted three weeks' further time to file amendment application.</p> <p>List on 8.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 102 of 2012 with M.A. No. 675 of 2015

Jeetendra 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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri V.K. Pandey, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 675 of 2015.</u></p> <p>This is an application for taking SCM proceedings on record. The SCM proceedings is taken on record. The application is, accordingly, disposed of.</p> <p>As prayed, list on 31.7.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1409 of 2010

Sutan

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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, and Shri Prakhar Kankan, learned counsel for the respondents, along with Col. J.G. Manhas, Departmental Representative.</p> <p>We have gone through our earlier orders dated 28.10.2014 and 7.1.2015. Col. Manhas states that he intends to bring on record, by means of an affidavit, with respect to the outcome of the aforesaid two orders, passed by this Court. Let him do so within a week.</p> <p>List on 26.5.2015 for orders/hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 09 of 2013

Ranjeet 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>07.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant, and Shri R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he is not prepared with the brief. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 23.7.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

DY- No. 2216 of 2014 with M.A. No. 756 of 2015

(Inre: O.A. Nil of 2014)

Bhupendra Singh Bhadauria
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>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Major R.D. Singh (Retd.), learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 756 of 2015.</u></p> <p>This is an application for taking relevant documents on record. The documents are taken on record. The application is disposed of accordingly.</p> <p>On call of the case learned counsel for the applicant prays for and is granted further two days' time to file amendment application after serving a copy of the same on learned counsel for the respondents.</p> <p>List on 13.5.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 381 of 2014 with M.A. No. 1053 of 2013 & M.A. No 489 of 2015

(Inre: M.A. No. 838 of 2013 & T.A. No. 1005 of 2010)

Birsan

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>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Mukund Tewari, learned counsel for the respondents, prays for and is granted two weeks' further time to file objection on the delay condonation application.</p> <p>List on 25.5.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 866 of 2015 with M.A. No. 867 of 2015
(Inre: O.A. No. 80 of 2012)

Union of India & Others

By Legal Practitioner for Applicants

Applicants

Versus

M Thangarajan

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the applicants, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 866 of 2015.</u></p> <p>This is an application, moved by the applicants, for condoning the delay in filing the application under Section 31(2) of the Armed Forces Tribunal Act, 2007 filed with the prayer to grant leave to appeal before the Hon'ble Supreme Court.</p> <p>As per office report there is a delay of 6 months and 5 days in moving the application for leave to appeal.</p> <p>Heard learned counsel for the applicants and have gone through the affidavit filed in support of the delay condonation application.</p> <p>In paragraph no. 5 of the affidavit, filed in support of the delay condonation application, the applicants have taken the ground for the delay as under :</p> <p>“That the applicant being the government functionaries and due to involvement in various agencies of the government and <u>perhaps</u> lack of time management the delay has occurred.”</p> <p>In our view the ground taken by the applicant for the delay in filing the application for leave to appeal is totally vague and not genuine.</p> <p>Further, the Hon'ble Supreme Court in Office of the Chief Post Master General & others v. Living Media India Ltd. & another reported in <i>2012 STPL(LE) 46200 SC</i> has observed that “<i>condonation of delay is an exception and should not be used as an anticipated benefit for government departments</i>” and since “<i>the claim on account of impersonal machinery and inherited bureaucratic</i></p>

methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”

The Hon’ble Supreme Court further observed that since “*the person(s) concerned were well aware or conversant with the issued involved including the prescribed period of limitation They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”*”.

Accordingly, this delay condonation application is rejected.

Misc. Application No. 867 of 2015.

Since the delay condonation application has been rejected, this application for leave to appeal stands dismissed.

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

(Justice Abdul Mateen)
Member (J)

PG.

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

Court No. 3

O.A. No. 19 of 2010

Anil 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>06.05.2015</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;">Present: Shri S.S.L. Srivastava, learned counsel for the applicant, and Shri Dileep Singh, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;"><u>Misc. Application No. 886 of 2014.</u></p> <p style="text-align: center;">Heard learned counsel for the parties..</p> <p>This is an application, moved by the applicant, for correction in the judgment and order dated 15.1.2013, passed by this Tribunal in O.A. No. 19 of 2010, by means of which a Bench of this Tribunal had passed the following order :</p> <p style="text-align: center;">“Considering the above facts and circumstances, we allow the O.A. with costs and set aside the impugned order dated 19.7.2001 passed by respondent no. 2, contained in Annexure ‘1’ to the O.A., and directed the respondents to release the applicant by treating him to be in continuous service with pensionery and all consequential benefits till his retirement, i.e. upto 31.05.2001.”</p> <p>By this application the applicant has sought that the word “retirement” appeared on the 5th line of paragraph no. 13 of the aforesaid judgment and order dated 15.1.2013 be corrected as “release”. With this application the applicant has annexed as Annexure-1 a no objection certificate for issue of passport issued by the Neval authority wherein the word “release” is mentioned.</p> <p>The argument of learned counsel for the applicant is that in Navy the word “retirement” is not used, rather “release” is used. Learned counsel for the applicant, therefore, prays that the word “retirement” appeared inadvertently on the 5th line of paragraph no. 13 of the aforesaid judgment and order dated 15.1.2013 be corrected as “release”.</p>

We are also of the view that it is a typographical error. Accordingly, we allow this application and direct the concerned authorities that the word “retirement”, appeared on the 5th line of paragraph no. 13 of the aforesaid judgment and order dated 15.1.2013 be read as “release”.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 500 of 2012

Manjit 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>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Dr. Ashish Asthana, Advocate, appeared and stated that Shri V.P. Pandey, learned counsel for the applicant, could not come to this Court today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 8.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 325 of 2013

Surender Singh Yadav

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Ms. Deepti Prasad Bajpai, learned counsel for the respondents, is not present in Court.</p> <p>On call of the case Shri Vinay Pandey prays for and is granted three weeks' further time to file rejoinder affidavit.</p> <p>As prayed, list on 21.8.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

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

Shiv Kumar Joshi

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>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey states that this case will be argued by Shri P.N. Chaturvedi, who is busy in another Court. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 10.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 124 of 2011

SK Gupta

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case an Advocate appeared and stated that he want to file Vakalatnama on behalf of the applicant. He, therefore, prays that the matter be adjourned for the day. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 12.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 45 of 2012

Manoj Kumar 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>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Prakhar Kankan & Shri S.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case in the revised list no one appears for the applicant, neither there is any request to adjourn/pass over the case. Accordingly, O.A. No. 45 of 2012 is dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 284 of 2013

Binod 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>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Arun Kumar, learned counsel for the applicant, and Shri Dileep Singh, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he is not prepared with the brief. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 20.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A.(A) No. 81 of 2012

Manoj 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>06.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Ashutosh Kumar Asthana, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>While hearing Shri Lalit Kumar, learned counsel for the applicant, a question was raised by this Court as to whether the remedy provided under Section 164 of the Army Act can be redelegated in SCM or not and whether as per provisions of Section 153 of the Army Act the SCM can be challenged under Section 164 of the Army Act or not, Shri Lalit Kumar prays for adjournment to place case law on this point.</p> <p>As prayed, list on 19.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

EX-A. No. 47 of 2014
(Inre: O.A. No. 275 of 2011)

Om Prakash
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This Execution Application has been filed by the applicant aggrieved against non-implementation of the judgment and order dated 23.9.2011, passed by this Tribunal in O.A. No. 275 of 2011, with respect to providing consequential benefits, though the applicant has been reinstated in service and is working.</p> <p>As prayed, learned Standing Counsel is granted six weeks' time to file affidavit with respect to grant of entire consequential benefits and the details thereof.</p> <p>List on 31.7.2015 for orders.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

EX-A. No. 16 of 2015
(Inre: O.A. No. 56 of 2012)

Yogeshwar Prasad 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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri S.K. Pandey, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Aggrieved against non-implementation of the judgment and order dated 15.10.2014, passed by this Court in O.A. No. 56 of 2012, the applicant has filed this Execution Application.</p> <p>This Court, while allowing the aforesaid O.A., quashed the orders dated 30.7.1998 and 12.6.2000 and directed the respondents to grant disability pension to the applicant with effect from 1.2.1998 for a period of two years. The respondents were further directed to re-examine the applicant by a Re-survey Medical Board within a period of three months from the date of aforesaid judgment and to decide the status of disability pension in accordance with the opinion of the Re-survey Medical Board. This Court thereafter granted three months' time for payment of disability pension to the applicant.</p> <p>Since the aforesaid judgment has not yet been implemented and the applicant aggrieved against non-implementation of the aforesaid judgment and order dated 15.10.2014 has approached again before this Tribunal, let, therefore, issue notice to respondent no. 4, Officer-in-Charge, Signal Abhilekh Karyalaya, Signal Records Post Bag No. 5, Jabalpur-482 011, to show cause within a period of six weeks as to why the aforesaid judgment and order dated 15.10.2014 has not yet been implemented and as to why serious view be not taken by this Court for initiation of disciplinary proceedings against the person</p>

concerned and to impose a heavy cost.

List on 2.7.2015 for orders..

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

(Justice Abdul Mateen)
Member (J)

PG.

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

Court No. 3

M.A. No. 861 of 2015
(Inre: T.A. No. 3 of 2014)

Devendra Nath Rai
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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri N.L. Pandey, learned counsel for the applicant, and Shri Devendra Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 861 of 2015.</u></p> <p>Heard learned counsel for the applicant on this application.</p> <p>This is an application for recall of our order dated 10.3.2015 dismissing T.A. No. 03 of 2014 for non-prosecution.</p> <p>We have gone through the affidavit filed along with this application. The reason shown in the affidavit seems to be genuine. Accordingly, this application is allowed, the order dated 10.3.2015 is recalled and T.A. No. 03 of 2014 is restored to its original number.</p> <p>List on 24.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>Learned counsel for the applicant shall also file Bench copy of the T.A. on the next date.</p> <p>When the case is listed next, the name of Shri Devendra Kumar be shown as counsel for the respondents.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 868 of 2015
(Inre: O.A. No. 266 of 2014)

Ram Chandra Tiwari
In Person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: The applicant in person and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard Shri Ram Chandra Tiwari, the applicant appearing in person, on this application, moved under Section 31 of the A.F.T. Act, 2007 with prayer to grant leave to appeal before the Hon'ble apex Court against our judgment and order dated 21.4.2015, passed in O.A. No. 266 of 2014.</p> <p>We have gone through our aforementioned judgment and order and we do not find any point of law of general importance to be agitated before the Hon'ble apex Court so as to grant leave to appeal to the applicant for filing SLP before the Hon'ble Supreme Court. The application is, therefore, rejected.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

**O.A. No. 356 of 2012 with M.A. No. 487 of 2013,
M.A. No. 783 of 2013 & M.A. No. 1213 of 2014**

Ranjodh 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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard Shri Lalit Kumar, learned counsel for the applicant, on the question of maintainability of this appeal under Section 15 of the A.F.T. Act, 2007.</p> <p>A preliminary objection has been raised by Shri Mukund Tewari, learned counsel for the respondents, that since the applicant has not exhausted the remedy under Section 164 of the Army Act, the appeal under Section 15 of the A.F.T. Act, 2007 is not maintainable. He, however, prays for and is granted six weeks' time to reply to the arguments so made by Shri Lalit Kumar.</p> <p>List on 20.8.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

**O.A. No. 265 of 2014 with M.A. No. 599 of 2015,
& M.A. No. 770 of 2015**

Abhishek 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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri T.N. Tiwari, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on the question of admission of this O.A.</p> <p>This O.A. has been filed by the applicant aggrieved against GCM proceedings initiated against him and the orders dated 9.9.2013 as well as 28.10.2013 and also rejection of pre-confirmation petition, vide order dated 17.11.2014.</p> <p>We have been taken through the seven charges levelled against the applicant and the applicant being Flying Officer have been charged under Sections 65, 45 and 71 of the Air Force Act.</p> <p>The argument advanced by learned counsel for the applicant is that although the applicant has been found guilty of all the charges except charge Nos. 3, 4, 5 and 7 wherein charge no. 3 relates to Section 65 of the Air Force Act, which is in alternative to the second charge relating to act prejudicial to good order and Air Force discipline. The 5th is alternative to the 6th charge. The submission is that it is surprising that although the applicant has been found guilty of all the charges which are serious in nature and had not found the applicant guilty of "prejudicial to good order and Air Force discipline", an act prejudicial to good order and Air Force discipline. Thus to sum up the argument of learned counsel for the applicant, the applicant has been found guilty with respect to commission of offence wherein he had used criminal force on superior officer.</p> <p>Shri Mukund Tewari submits that since it being an alternative</p>

charge, as such Rule 71(7) of the Air Force Rules being an alternative charge there was no necessity on the part of the authorities of the DCM to held the applicant guilty of even third charge and other charges for which he has been found not guilty.

The matter, therefore, seems to be arguable in nature. Accordingly, we **admit** this O.A.

Counter affidavit may be filed by the respondents within six weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List this case for orders on 10.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

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

Court No. 3

T.A. No. 515 of 2010

Shyam Sunder
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>05.05.2015</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;">Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;">Heard learned counsel for the parties on admission of this T.A.</p> <p style="text-align: center;">Having been convicted for three months' R.I. and dismissal from service in SCM proceedings the applicant has filed the present T.A.</p> <p style="text-align: center;">The argument advanced by learned counsel for the applicant is to the effect that the two charges were levelled against the accused-applicant, out of which in the first charge the applicant was not found guilty, however, in the second charge the applicant was found guilty. Although, at the initial stage, the argument of learned counsel for the applicant was to the effect that the applicant has been charged with respect to commission of criminal offence. In support of his argument he placed reliance on two judgments of the Hon'ble apex Court reported in Mil LJ 2002 SC 1 (Union of India & others v. L.D. Balam Singh) and the judgment of the Regional Bench, Kolkata, of this Tribunal in T.A. No. 214 of 2010.</p> <p style="text-align: center;">However, with due regard to the judgment of the Hon'ble apex Court and the judgment of the Regional Bench, Kolkata, we do not find any where that both the aforesaid judgments can be applicable on facts and law in the present case. The arguments advanced by learned counsel for the applicant is that if the offence is committed under Section 69 of the Army Act that cannot be proceeded with unless and until F.I.R. is lodged. We find that even the finding arrived at by the judgment of Regional Bench, Kolkata, in T.A. No. 214 of 2010, no where it is mentioned that trial under Section 69 of the Army Act cannot be held without lodging of the F.I.R. Thus, both the aforementioned judgments are not applicable with respect to argument</p>

advanced by learned counsel for the applicant in the present case.

It has also been argued by learned counsel for the applicant that the conviction of the applicant is not based upon cogent and sufficient evidence laid by the prosecution and the applicant has been falsely roped in. He has also taken us through the statement of P.W. 3, Mrs. A. Tiwari, and submits that it does not support the evidence of P.W. 2, the prosecutrix. There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, we **admit** this T.A.

Since counter and rejoinder affidavits have already been exchanged in this case, the office is directed to list this case for hearing on 9.9.2015 before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

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

Court No. 3

T.A. No. 107 of 2012

Sukhbir 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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Although the name of Shri Prakhar Kankan is shown in the cause list as learned counsel for the respondents, but he is not present in Court.</p> <p>This T.A. has been listed for admission. In this case the applicant has been convicted after initiation of SCM proceedings for three months' R.I. and dismissal from service, based upon two charges levelled against him, i.e. using criminal force on Senior Officer and not following Sections 39(a) and 40(a) of the Army Act, 1950.</p> <p>The thrust of the argument of learned counsel for the applicant is that he had not been afforded adequate opportunity to defend his case during SCM proceedings and Summary of Evidence. The further submission is that the charges cannot be treated so serious which resulted his dismissal from service and to suffer three months' R.I. He has taken us to the charge-sheet as well as documents on record.</p> <p>We find that the SCM proceedings and Summary of Evidence are not on record. However, we find it a fit case for admission. Accordingly, this T.A. is admitted.</p> <p>Since counter and rejoinder affidavits have already been exchanged in this case and this case being an old one, the office is directed to list this case for hearing on 10.9.2015 before the appropriate Court having jurisdiction, as per roster of that date. The respondents are directed to produce the record of SCM proceedings as well as Summary of Evidence on the next date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 18 of 2014 with M.A. No. 532 of 2015

RP Vishwakarma

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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for and is granted two weeks' further time to file rejoinder affidavit.</p> <p>List on 28.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 452 of 2010

Rajendra Prasad 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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>There is a document on record from which it transpires that the notices issued to respondents no. 1 to 5 had been received by by one L. Dorjee No. 4372510-D. Thus, the service of notices on respondents no. 1 to 5 shall be deemed to be sufficient.</p> <p>List on 27.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 336 of 2011

Bipin 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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Nishant Verma, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the applicant states that the applicant could not challenge the order passed by the COAS on the statutory petition preferred by the applicant. He, therefore, prays for and is granted three weeks' time to move amendment application to amend the petition with respect to relief clause.</p> <p>List on 24.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 303 of 2012 with M.A. No 728 of 2015

Raj 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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the applicant is not present in Court.</p> <p><u>Misc. Application No. 728 of 2015.</u></p> <p>This is an application for taking supplementary counter affidavit on record. The supplementary counter affidavit is taken on record. The application stands disposed of.</p> <p>List on 19.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 364 of 2010

Hari Babu Nishad

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>05.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard Shri Shailendra Kumar Singh, learned counsel for the applicant at some length.</p> <p>Shri D.K. Pandey, learned Standing Counsel, is not present.</p> <p>List for further hearing on 28.5.2015.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

Court No. 3

M.A. No. 461 of 2014

Subhash Chandra 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>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>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the respondents prays for and is granted two months' further time and no more to ascertain as to whether the petition filed by the applicant before the COAS under Section 164(2) of the Army Act has been disposed of or not and to file reply since Shri Tewari apprehends that the petition of the applicant under Section 164(2) of the Army Act has not yet been decided</p> <p>List this case on 27.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 1591 of 2014 with M.A. No. 267 of 2015 & M.A. No. 771 of 2015
(Inre: O.A. No. Nil of 2015)

Prakash Rai
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Major R.D. Singh (Retd.), learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he intends to file a better affidavit in support of the delay condonation application. He, therefore, prays that this case be listed in the last week of July, 2015 since he is not well and will remain under treatment in the meantime.</p> <p>As prayed by learned counsel for the applicant, list this case on 29.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A.(A). No. 192 of 2014

Brijesh 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>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>Present: Shri R.P. Singh, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri Dileep Singh, learned counsel for the respondents, is not present in Court.</p> <p>On call of the case learned counsel for the applicant prays for further adjournment to enable him to search the case law and to satisfy this Court regarding maintainability of this O.A. before this Tribunal. Accordingly, the case is adjourned for the day.</p> <p>As prayed by learned counsel for the applicant, list this case on 30.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 18 of 2014 with M.A. No. 532 of 2015

RP Vishwakarma

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As prayed by Shri R. Chandra, learned counsel for the applicant list this case on 5.5.2015 for admission.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

EX-A. 15. of 2014 with M.A. No. 439 of 2014 & M.A. No. 410 of 2015
(Inre: T.A. No. 988 of 2010)

VD Jha

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rajesh Kumar, learned counsel for the respondents and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case no one appears for the applicant.</p> <p>Shri Rajesh Kumar, learned Standing Counsel, prays for and is granted two weeks' further time to ascertain from the authorities concerned as to whether judgment and order dated 7.8.2013, passed by this Tribunal in T.A. No. 988 of 2010, has been implemented or not. He, therefore, prays for and is granted two weeks' further time for the same.</p> <p>List this case on 21.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

EX-A. 5. of 2015

(Inre: T.A. No. 21 of 2009)

Smt. Annapurna Shukla
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>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>Present: Shri Rakesh Johri, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This execution application has been moved by the applicant aggrieved against non-implementation of the judgment and order dated 25.4.2014, passed by this Court in T.A. No. 21 of 2009.</p> <p>The submission of learned counsel for the applicant is that no doubt Rs. 50,000/- cost awarded against the applicant has been paid to the applicant and though the PPO has been issued but the applicant has not yet received pension.</p> <p>So far as the order for pay and allowances for the period from 21.3.2007 to 22.5.2009 is concerned, learned Standing Counsel prays for and is granted three weeks' further time to seek instruction, to which Shri Johri has no objection.</p> <p>List this case on 26.5.2015 for orders.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 34 of 2010

Vinay 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>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>Present: Shri Mukund Tewari, learned counsel for the respondents and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case a person claiming himself to be Vinay Kumar, the applicant, appeared and stated that his counsel could not come to this Court today since he is ill. He, therefore, prays for adjournment.</p> <p>As prayed, list this case on 5.5.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1288 of 2010

Chandra Bhushan 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>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>Present: Shri A.K. Singh, learned counsel for the respondents and Sgt. S.K. Pandey, Departmental Representative.</p> <p>On call of the case a person claiming himself to be Chandra Bhushan Yadav, the applicant, appeared and stated that his counsel Shri M.S. Yadav is hospitalised due to some kidney problem. He, therefore, prays for adjournment.</p> <p>As prayed, list on 24.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

Dy. No. 1153 of 2014 with Dy. No. 2246 of 2014
(Inre: R.A. No. 02 of 2015)

Ravi Prakash Upadhyay
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>The aforesaid Review Application has come before us on circulation.</p> <p>We have gone through the record and find that Diary No. 1153 of 2014 has been given by the office on a handwritten application for review of our judgment and order dated 15.5.2014, passed in O.A. NO. 13 of 2013. Diary No. 2246 of 2014 is an application for condonation of delay in filing the review application for review of our order dated 15.5.2014 passed in O.A. No. 13 of 2013. The review application has been numbered as No. 02 of 2015 by the office on the file cover of the record and is attached along with the application for condonation of delay.</p> <p>The reason shown in the application for condonation of delay seems to be genuine. Accordingly, the delay in filing the review application is hereby condoned.</p> <p>So far as review application, moved by the applicant, is concerned, we have carefully gone through our order dated 15.4.2015 and the record and we do not find any illegality or ambiguity on the face of record so as to review our aforesaid order dated 15.4.2015.</p> <p>Accordingly, Review Application No. 2 of 2015 as well as Dy. No. 1153 of 2014 are hereby dismissed.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 195 of 2011

Vivek 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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Partly allowed.</p> <p>For judgment and order, see our judgment and order of date passed on separate sheets.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 202 of 2012 with M.A. No. 8445 of 2015

Vijay Kant Shukla

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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri Ishraq Farooqui, learned counsel for the respondents, is not present in Court.</p> <p><u>Misc. Application No. 845 of 2015.</u></p> <p>This is an application, filed by the applicant, for taking supplementary affidavit on record annexing therewith certain annexures to justify the residential address of the applicant, after serving a copy of the same on learned counsel for the respondents. The supplementary affidavit is taken on record. Accordingly, the application is disposed of.</p> <p>Capt. Ridhishri Sharma, Departmental Representative, prays for and is granted three weeks' time to verify the correctness and authenticity of the photo-copies of the documents annexed by the applicant with this supplementary affidavit.</p> <p>List this case on 1.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1019 of 2010 with T.A. No. 1081 of 2010

Sanjio Kumar Prajapati
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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri D.S. Tiwari, learned counsel for the respondents, is not present in Court.</p> <p>On call of the case learned counsel for the applicant prays for and is granted three weeks' further time to file amended copies of the T.A.</p> <p>List on 1.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1036 of 2010

Jasawant 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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri S.K. Mishra, learned counsel for the applicant, and Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri S.K. Mishra stated that in this case Shri Amarnath Tripathi, Senior Counsel, will argue this case on the point of admission of this T.A. Since Shri Amarnath Tripathi has not come to this Court today, Shri Mishra, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>On the next date learned counsel for the applicant will also satisfy this Court with respect to availing of alternative remedy by the applicant.</p> <p>As prayed by learned counsel for the applicant, list this case on 18.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

EX.-A. No. 48 of 2014 with M.A. No. 609 of 2015

(Inre: O.A. No. 232 of 2012)

Diwan 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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>On 9.4.2015 this Court directed the office to issue notice to the Chief Manager, State Bank of India, Centralised Pension Processing Centre, 2nd Floor, Chandani Chowk Premises Branch, Delhi-110 006, to show cause by 30.4.2015 as to why and under what circumstances, despite PPO having been issued by the PCDA for release of pension, pension of the applicant has not been honoured in pursuance of the judgment and order of this Court dated 17.7.2014, passed in O.A. No. 232 of 2012.</p> <p>In reply to the aforesaid notice, the bank has sent its reply dated 21.4.2015 under the signature of Assistant General Manager of the said Bank, which is on record, requesting to provide them S.B. A/c. No., PPO No. and name of Pension Paying Branch of the pensioner.</p> <p>The Registrar of this Tribunal is, therefore, directed to forthwith forward the following details of the pensioner, as per query made by the bank, along with a copy of this order :</p> <ol style="list-style-type: none">1. S.B. A/c. No. 11659502863,2. PPO No. S/0010/2015, and3. Name of Branch : State Bank of India, Tiliyapur Shaktifarm, Udham Singh Nagar (Uttarakhand).

It is expected that now the Chief Manager, State Bank of India, Centralised Pension Processing Centre, 2nd Floor, Chandani Chowk Premises Branch, Delhi-110 006, shall ensure compliance of the aforementioned judgment and order of this Court by the next date.

List on 26.5.2015 for orders.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 1 of 2009

Rakesh 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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>In this case the arguments of Shri P.N. Chaturvedi, learned counsel for the applicant, has already been concluded on 24.4.2015. Today's date was fixed in this case for rebuttal of the arguments of learned counsel for the applicant by learned counsel for the respondents mainly on two grounds, apart from other questions, as to whether Senior Registrar and OC Troops is competent and empowered with the power of Commanding Officer, to which Shri Rajesh Kumar, Standing Counsel, and Capt. Ridhishri Sharma, Departmental Representative, placed before us certain documents.</p> <p>Heard Shri Rajesh Kumar, learned Standing Counsel, and Capt. Ridhishri Sharma, Departmental Representative in detail.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 752 of 2010

Samrath 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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri V.K. Pandey, learned counsel for the applicant, and Shri Dileep Singh, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>The arguments of learned counsel for the applicant concluded.</p> <p>Learned counsel for the respondents prays time to rebut the arguments advanced by learned counsel for the applicant.</p> <p>As prayed by learned counsel for the respondents, list this case on 27.5.2015 to conclude his arguments.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

Court No. 3

T.A. No. 29 of 2011

Jugul Kishor
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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>While going through the record we find that this case has yet been admitted, though it has been listed by the office for hearing.</p> <p>Heard learned counsel for the applicant on admission.</p> <p>It has been argued by learned counsel for the applicant that the applicant has been dismissed from service on the ground of plural marriage. It has further been argued that the applicant married Ms. Babita after obtaining a decree of divorce from Ms. Gyanwati, his first wife.</p> <p>Learned counsel for the respondents rebutted the argument of learned counsel for the applicant and submitted that the marriage with Ms. Babita took place before obtaining a decree of divorce from the first wife.</p> <p>We, therefore, find that this case seems to be arguable. Accordingly, we admit this T.A.</p> <p>Since counter and rejoinder affidavits have already been exchanged in this case, the office is directed to list this case for hearing on 16.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1 of 2014

Sarbeswar Pattanaik

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>30.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Ram Prakash Verma, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This T.A. is of the year 2014.</p> <p>List on 25.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>