

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No 661 of 2013 with M.A. No 1309 of 2015
Inre O.A. Nil of 2013

Vikas Pandey

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: None for the Applicant and Shri A.K. Singh, Ld Counsel for the Respondents assisted by WO Desh Raj Singh, Departmental Representative for the Respondents.</p> <p>None appeared for the applicant as the case was not fixed earlier with due information to applicant's counsel. Today, it is listed in the supplementary cause list. In the interest of justice, the case is adjourned for 10.09.2015.</p> <p>List this case on 10.09. 2015 for orders.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

Court No. 3

O.A. No. 197 of 2013

Manoj Kumar Mishra

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri K.C. Ghildyal, Shri R Chandra, Ld. Counsel for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>List this case on 09.09. 2015 for further hearing before appropriate bench having jurisdiction, as per the roster. (Court No 1).</p> <p>On 14.08.2015, order was passed to list this case before appropriate bench having jurisdiction, as per the roster but the case has been listed in this court which has no jurisdiction.</p> <p>Registry to be cautious in future.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: right;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 1363 of 2015 Inre O.A No. Nil of 2015

Dhrub Narayan Rao

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Ajit Singh Gaherwar, Ld. Counsel for the Applicant and Shri Dileep Singh, Ld. Counsel for the Respondents.</p> <p style="text-align: center;"><u>M.A. No. 1363 of 2015</u></p> <p>Heard Ld. Counsels for the parties on application for condonation of delay. Ld. Counsel for the respondents submits that there is delay of 1 year, 1 month and 22 days in filing original application. On the other hand Ld. Counsel for the applicant submits that this application has been filed for grant of promotion. The applicant is permanent patient of severe anaemia since last four years and he is entirely dependent for every thing on his family members. Hence delay in filing the Original Application.</p> <p>Reasons shown in affidavit for condonation of delay seems to be genuine. The application for condonation of delay is allowed and delay in filing the original application is condoned.</p> <p>M.A. No 1363 of 2015 is disposed of accordingly.</p> <p style="text-align: center;"><u>O.A. Nil of 2015</u></p> <p>Heard Ld. Counsels for the Parties on statutory complaint and perused the documents available on record.</p> <p>Vide order dated 04.12.2012 the Tribunal in T.A. No. 1209 of 2010 while allowing this T.A. has directed the Respondent to decide the Statutory Complaint dated 01.07.1993 with the reasoned and speaking order expeditiously and communicate the same to the Applicant. OIC Records, while rejecting the statutory complaint has not passed any reasoned and speaking order as directed by this Tribunal. Relevant paras of impugned order dated 23.08.2013 passed by OIC Record is reproduced below:-</p> <p style="text-align: center;"><i>4. The COAS has considered your Statutory</i></p>

Complaint in conjunction with relevant provisions and the recommendations of the Intermediary Commanders. It emerges that your case for promotion has been properly dealt in uniformity with the cases of similarly placed persons.

5. In view of the above, the COAS has directed that your Statutory Complaint dated 01 Jul 1993 be rejected as it lacks substance and is devoid of merit.

The plain reading of the aforesaid order does not disclose how and in what manner the case has been dealt in uniformity with others. Merely by saying that applicant's case has been dealt with properly by passing reasoned order, does not amount the passing of reasoned order. The order passed in statutory complaint should clarify all the points raised by the applicant.

It appears that injustice has been done by OIC Records, while passing the order. For substantial justice, Respondents are directed to reconsider the statutory complaint and decide the same with reasoned and speaking order within one month.

Ld. Counsel for the Respondents prays for and is granted one week time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed by Ld. Counsel for the applicant within one week, thereafter.

List this case on **16.10.2015** for orders.

(Air Marshal Anil Chopra)
Member (A)

(Justice D.P. Singh)
Member (J)

ukt/-

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. 157 of 2015

Himanshu Goswami

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Yashpal Singh, Ld. Counsel for the Applicant and Mrs. Deepti Prasad Bajpai, Ld. Sr. Standing Counsel for the Respondents.</p> <p>Heard Ld. Counsels for the parties on admission.</p> <p>It is a fit case of adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the Respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit may be filed by the Ld. Counsel for the Applicant within two weeks, thereafter.</p> <p>List this case on 19.10.2015 2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

Ex-A No.9 of 2012 Inre O.A. No. 295 of 2011

Birendra Singh Tomar

By Legal Practitioner for Applicant

Applicant

Versus

SK Sharma, Secretary MoD

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Veer Raghav Chaubey, Ld. Counsel for the Applicant and Shri Mukund Tewari, Ld Counsel for the Respondents.</p> <p>As prayed by the Ld. Counsels for the parties list this case on 13.10.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 36 of 2015 Inre O.A. No. Nil of 2015

Sub Jagdish Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>03.09.2015 <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri K.K. Mishra, Ld. Counsel for the Applicant and Shri Rajesh Kumar, Ld Counsel for Respondents.</p> <p>Ld. Counsel for the Respondents prays for and is granted a week time to file objection on application for condonation of delay.</p> <p>List this case on 10.09.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 1158 of 2015 Inre O.A. No. Nil of 2015

Dheerandra Pal Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Ld. Counsel Shri Anjani Kumar Singh, holding brief of Shri Manish Mishra, Ld. Counsel for the Applicant and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the Respondents.</p> <p><u>M.A. No. 1158 of 2015</u></p> <p>Reply to objection on application for condonation of delay filed by Ld. Counsel for the Applicant is taken on record.</p> <p>M.A. No. 1158 of 2015 is disposed of accordingly.</p> <p><u>O.A. No. Nil of 2015</u></p> <p>Ld. Counsel Shri Anjani Kumar Singh holding brief of Shri Manish Mishra, Ld. Counsel for the Applicant prays for adjournment of the case. In the interest of justice the case is adjourned.</p> <p>List this case on 15.09.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 30 of 2010

P Venkat Reddy

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the Applicant and Shri Rajesh Kumar, Ld Counsel for the Respondents.</p> <p>Ld. Counsel for the applicant, Shri P.N. Chaturvedi, seeks for adjournment of the case and prays for one week further time to file Supplementary Rejoinder Affidavit.</p> <p>From perusal of record, it transpires that Ld. Counsel for the applicant, has taken adjournments on 23.07.2010, 13.08.2010, 01.09.2010, 05.10.2010, 19.11.2010 22.02.2011, 03.03.2011, 18.05.2011, 22.07.2011, 23.09.2011, 19.10.2011, 01.11.2011, 12.02.2012 ,21.05.2012, 03.09.2012, 11.12.2012,11.03.2013, 16.07.2013,16.09.2013, 20.03.2014, 29.08.2014, 23.04.2015, 02.07.2015. and 29.07.2015.</p> <p>It appears that Ld. Counsel for the Applicant is substantial in habit to seek adjournment of the case on one ground or the other. Today also he has submitted that the applicant is ill. It appear from the order sheets that no application has been moved nor any medical opinion has been produced, even otherwise, if we believe in the contention of the Ld. Counsel for the applicant on the reason for adjournment, even then, since long, he is seeking adjournment on one ground or the other.</p> <p>In such a situation, Rs. 10,000/- (Rupees ten thousand only) is imposed as fine on him. He will deposit the same in Registry within two weeks. In case the same is not deposited within two weeks, Magistrate shall take action against him.</p> <p>He is granted two weeks time to file the</p> <p>List this case on 13.10. 2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
O. A. No. 16 of 2015 Court No. 3

Aditya Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.P. Pandey, Ld. Counsel for the Applicant and Shri D.S. Tiwari, Ld. Counsel for the Respondents.</p> <p>Rejoinder Affidavit filed by Ld Counsel for the Applicant is taken on record.</p> <p>Pleadings have been exchanged. Case is ripe for hearing.</p> <p>List this case on 16.09.2015 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T. A. No. 817 of 2010

Nagender Kumar

By Legal Practitioner for Applicant

Petitioner

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri R. Chandra, Ld. Counsel for the Petitioner and Shri Prakhar Kanan, Ld. Counsel for the Respondents.</p> <p>Ld Counsel for the Respondents prays for and is granted a week time to file Affidavit alongwith relevant documents pertaining to case including copy of Preliminary Inquiry Report, Show Cause Notice, Reply to Show Cause Notice and Discharge Order.</p> <p>List this case on 15.09.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

Court No. 3

O. A. No. 288 of 2012

Shib Bahadur Gurung

By Legal Practitioner for Applicant

Applicant

Versus

Chief of the Army Staff and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.K. Pandey, Ld. Counsel for the Applicant and Shri R.S. Mishra, Ld. Counsel for the Respondents.</p> <p>As prayed by Ld. Counsel for the Applicant put up tomorrow on 04.09.2015 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O. A. No. 157 of 2014

Umesh Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the Applicant and Shri Ashutosh Kumar Srivastava, Ld. Counsel for the Respondents.</p> <p>As prayed by Ld. Counsel for the Applicant put up tomorrow on 04.09.2015 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
T. A. No. 1207 of 2010
Court No. 3

Smt. Vimla Devi
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India and Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) Ashok Kumar, Ld. Counsel for the Petitioner and Shri Prakhar Kankan, Ld. Counsel for the Respondents.</p> <p>As prayed by Ld. Counsel for the petitioner put up on 08.09.2015 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T. A. No. 1380 of 2010

Kashi Singh Yadav

By Legal Practitioner for Applicant

Petitioner

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the Applicant and Shri Prakhar Kanan, Ld. Counsel for the Respondents assisted by Lt Col Subodh Verma, Departmental Representative of the Respondents.</p> <p>As prayed by the Ld. Counsel for the Respondents put up on 23.09.2015 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T. A. No. 74 of 2013

Indra Dev Singh Yadav

By Legal Practitioner for Applicant

Petitioner

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Rajat Pratap Singh, Ld. Counsel for the Petitioner and Shri A.K. Singh, Ld. Counsel for the Respondents assisted by Lt Col Subodh Verma, Departmental Representative of the Respondents.</p> <p>We have heard Ld. Counsels for the parties.</p> <p>Present application under Section 14 of the Armed Forces Tribunal Act has been submitted against the impugned order dated 17.08.1998 on the ground that the applicant is habitual offender. After receipt of said order, the applicant submitted his grievances to respondents. Against the impugned order as well as review his opinion. Revision was filed against show cause notice. In spite of fact the applicant submitted and show cause notice but the respondents have not given the head to the case of the applicant. This controversy is pending since 1993 initially in High Court and now in this Tribunal.</p> <p>Ld. Counsel for the Respondents submitted that the decision has not been taken but it was not communicated to the applicant. The assessment has been made by filing Counter Affidavit. Question involved is that AOP has collectively signed the discharge order which is suffering from arbitration which has been communicated by the order dated 17.08.1998. It is not known how the order was signed and it is not speaking and reasoned order. Whether it was sanctioned by the competent authority or not. The controversy. We dispose of the Original Application finally with the directions to appropriate competent authority to decide the petition in accordance with the law within one month. The applicant is given liberty to file fresh petition alongwith present order.</p> <p>With these directions, the original Application is disposed off.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>Na/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 225 of 2015

Nand Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Ashok Singh, Ld. Counsel for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>Heard Ld. Counsels for the parties on admission. It is a fit case for adjudication.</p> <p>Admit.</p> <p>With the consent of Ld. Counsels for the parties, we decide the Original Application at this stage without exchange of affidavit keeping in view the pleadings of record.</p> <p>Statutory complaint submitted under Section 26 of the Army Act is pending with the competent authority from 02.03.2012 but no decision has yet been communicated to the applicant. Copy of the Statutory Complaint has been filed as Annexure A-1 of the O.A.</p> <p>Once Statutory complaint is filed by the Armed Forces personnel then it is duty of competent authority to decide the same by speaking and reasoned order expeditiously otherwise person may suffer with ill consequences. The Court may impose heavy cost and direct the respondents to compensate to the person concerned in case there is inordinate delay. Statutory duty must be discharged within a reasonable period.</p> <p>We direct the respondents to decide the applicant's statutory complaint dated 02.03.2012 expeditiously say within a period of three months from the date of receipt of certified copy of this order.</p> <p>With these directions, we dispose of the Original Application.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No 709 of 2015 with M.A. 1539 of 2015
inre O.A. Nil of 2015

Indrajit Pandey

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> Hon'ble Mr. Justice D.P. Singh, Member (J) Hon'ble Air Marshal Anil Chopra, Member (A)</p> <p>Present : Shri K.K. Mishra, Ld. Counsel for the Applicant and Shri D.K. Pandey, Ld Counsel for the Respondents.</p> <p><u>M.A. 1539 of 2015</u></p> <p>Objection on Application for condonation of delay filed by Ld. Counsel for the Respondents is taken on record.</p> <p>Ld. Counsel for the Applicant prays for and is granted a week time to file reply to objection on application for condonation of delay.</p> <p>List this case on 11.09.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 232 of 2010 with M.A. 1471 of 2015

Jagdish Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri S.K. Singh, Ld. Counsel for the Applicant and Mrs Deepti Prasad Bajpai, Ld Sr. Standing Counsel for the Respondents.</p> <p><u>M.A. 1471 of 2015</u></p> <p>Supplementary Rejoinder Affidavit filed by Ld. Counsel for the Applicant is taken on record.</p> <p>M.A. No 1471 of 2015 is disposed of accordingly.</p> <p><u>O.A. No. 232 of 2010</u></p> <p>Pleadings have been exchanged. The case is ripe for hearing.</p> <p>List this case on 07.09.2015 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 1 of 2015 with M.A. No. 1359 of 2015

Dinesh Kumar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Yashpal Singh, Ld. Counsel for the Applicant and Shri D.S. Tiwari, Ld Counsel for the Respondents.</p> <p><u>M.A. No. 1359 of 2015</u></p> <p>Counter Affidavit filed by Ld. Counsel for the Respondents is taken on record.</p> <p>M.A. No 1359 of 2015 is disposed of accordingly.</p> <p><u>O.A. No. 1 of 2015</u></p> <p>Ld. Counsel for the applicant prays for and is granted a week time to file Rejoinder Affidavit.</p> <p>List this case on 14.09.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 54 of 2015

Lt Col Nardeep Singh Panjrath

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri K.K. Mishra, Ld. Counsel for the Applicant and Shri Ashutosh Kumar Srivastava, Ld Counsel for the Respondents.</p> <p>Ld. Counsel for the Applicant prays for and is granted two weeks time to file Rejoinder Affidavit</p> <p>List this case on 30.09.2015 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 7 of 2012

Ganpati Singh

By Legal Practitioner for Applicant

Petitioner

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Ganpati Singh, Petitioner and Shri Rajesh Kumar, Ld Counsel for the Respondents.</p> <p>The petitioner Shri Ganpati Singh present in person submits that his Ld. Counsel Shri D.S. Kauntae is not available today and prays for adjournment of the case. Ld. Counsel for the Respondent has no objection. In the interest of justice the case is adjourned.</p> <p>List this case on 10.09.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

Court No. 3

O.A. No. 132 of 2010

Smt Sangita Tiwari

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.K. Pandey, Ld. Counsel for the Applicant and Shri Rajesh Kumar, Ld Counsel for the Respondents.</p> <p>Ld. Counsel for the Respondents submits that he is not prepared to argue the case today and prays for adjournment of the case. Ld. Counsel for the applicant has no objection. In the interest of justice, the case is adjourned.</p> <p>List this case on 07.09. 2015 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 131 of 2009 with M.A. No.1352 of 2015

Rakesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri R.D. Singh, Ld. Counsel for the Applicant and Shri Dileep Singh, Ld Counsel for the Respondents.</p> <p>Ld. Counsel for the Applicant prays for and is granted two weeks time to file Supplementary Affidavit. He shall file specific affidavit along with document of actual height and height required for recruitment of the applicant.</p> <p>Ld. Counsel for the Respondent will file reply within a week thereafter.</p> <p>List this case on 30.09.2015 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 222 of 2011

Rajesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) Ashok Kumar, Ld. Counsel for the Applicant and Shri Mukund Tewari, Ld Counsel for the Respondents.</p> <p>Ld Counsel for the Respondents prays for and is granted a week time to file Supplementary Affidavit along with copy of letter dated 04.12.2010 for removal of undesirable and inefficient soldier and other relevant documents pertaining to discharge of the applicant. Rejoinder Affidavit if any may be filed by the Ld Counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 30.09.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

Court No. 3

O.A. No. 353 of 2011

Satya Pal Singh Malik
By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : None for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>We have been informed that Ld. Counsel for the applicant Shri R. Chaubey, has expired.</p> <p>Let a notice be issued by the Registry at an early date to the applicant to enable him to engage another counsel.</p> <p>List this case on 15.10.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 168 of 2013

Nk Abhilash Singh Kushwah

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Maj (Retd) R.D. Singh, Ld. Counsel for the Applicant and Shri Mukund Tewari, Ld Counsel for the Respondents assisted by Lt Col Subodh Verma, Departmental Representative.</p> <p>Hd. Ld. Counsels for the parties.</p> <p>Legally it is admitted that the applicant case relates to ORs referred in army order dated 28 Dec.,1988.</p> <p>Judgment Reserved.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 157 of 2014

Umesh Kumar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>02.09.2015 <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the Applicant and Mrs Deepti Prasad Bajpai, Ld Sr. Standing Counsel for the Respondents.</p> <p>As prayed by Ld. Counsel for the Applicant, list this case on 03.09.2015 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce entire original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 38 of 2015

Suleiman Josephine

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri K.K. Mishra, Ld. Counsel for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>As prayed by Ld. Counsel for the Applicant, list this case on 09.09.2015 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

Court No. 3

T.A. No 396 of 2010

Hari Murat Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the Applicant and Shri D.S. Tiwari, Ld Counsel for the Respondents.</p> <p>As prayed by Ld. Counsel for the Applicant, list this case on 08.09.2015 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce entire original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No 1096 of 2010

Hare Ram Singh

By Legal Practitioner for Applicant

Petitioner

Versus

Chief of Army Staff and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>02.09.2015 <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) Ashok Kumar, Ld. Counsel for the Petitioner and Shri B.P.S. Chauhan, Ld Counsel for the Respondents.</p> <p>As prayed by Ld. Counsel for the Respondents, list this case on 07.09.2015 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

Court No. 3

T.A. No 1128 of 2010

Rajendra Prasad Pal

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, Ld. Counsel for the Applicant and Shri D.S. Tiwari, Ld Counsel for the Respondents.</p> <p>Ld. Counsel for the Respondents submits that he is not prepared to argue the case today and prays for adjournment of the case. Ld. Counsel for the applicant has no objection. In the interest of justice, the case is adjourned.</p> <p>List this case on 10.09. 2015 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce entire original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

Court No. 3

T.A. No 35 of 2010

Hira Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Jitendra Singh, Ld. Counsel for the Applicant and Shri Dileep Singh, Ld Counsel for the Respondents.</p> <p>As prayed by Ld. Counsels for the parties, list this case on 09.09.2015 for further hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce entire original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

Court No. 3

O.A. No. 59 of 2011

Rajesh Kamran

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Attention has been invited on the judgment announced by Hon'ble Supreme Court today itself.</p> <p>List this case on 09.09.2015 for re-hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

Court No. 3

O.A. No. 168 of 2013

Nk Abhilash Singh Kushwah
By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Put up this case on 02.09.2015 for rehearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

Court No. 3

M.A. No 1597 of 2015

Jwala Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Vishal Singh, Ld. Counsel for the Applicant and Shri D.S. Tiwari, Ld Counsel for the Respondents.</p> <p>Heard Ld. Counsels for the parties.</p> <p>Petitioner is aggrieved by invalidment on account of medical ground and subsequently discharged from Army service. Ld. Counsel for the Respondents has raised objection that the petition is not maintainable at Armed Forces Tribunal, Lucknow. as the impugned order was passed at Secunderabad and the applicant is permanently residing at Jharkhand.</p> <p>Objection raised by Ld. Counsel for the Respondents seems to be correct. As impugned order was passed at Secunderabad, hence it falls under the jurisdiction of Armed Forces Tribunal, Calcutta.</p> <p>Accordingly, we dismiss the Original Application with liberty to approach appropriate bench of Armed Forces Tribunal, Calcutta.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

Ex.A. 97 of 2013 with M.A. 1375 of 2015
inre O.A. No 409 of 2012

Mukesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) Ashok Kumar, Shri Rohit Kumar, Ld. Counsel for the Applicant and Shri Mukund Tewari, Ld Counsel for the Respondents.</p> <p>This application has been filed by the applicant under Section 29 of Armed Forces Tribunal Act 2007 (in short AFT Act). Respondent was directed to dispose off the petition dated 30.11.2012 vide this Tribunal order dated 03.10.2012. Statutory petition was rejected by Records Raj Rif by a speaking and reasoned order vide their letter dated 31.10.2013. Ld. Counsel for the applicant took the plea that OIC Records, Raj Rif has no right and only authority concerned is liable to decide the statutory petition. His contention is correct. Whenever Court passes a specific order, it cannot be delegated to other person. Order passed on judicial matter must be complied with by the person concerned. OIC legal cell has produced an order dated 27.08.2015 by which Army Chief has decided the Statutory petition in compliance of order passed by this Tribunal. We feel that the order of this Tribunal has been complied with and controversy has been resolved by a reasoned and speaking order passed by COAS. Copy of the order dated 27.08.2015 may be given to Ld. Counsel for the Applicant and office copy is taken on record.</p> <p>Accordingly, the Execution Application has become infructuous and is dismissed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No 744 of 2010 with M.A. No 1226 of 2015

C.P. Bhagat

By Legal Practitioner for Applicant

Petitioner

Versus

Chief of the Army Staff and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col (Retd) Ashok Kumar, Shri Rohit Kumar, Ld. Counsel for the Petitioner and Shri Mukund Tewari, Ld Counsel for the Respondents.</p> <p>Ld. Counsel for the petitioner submits that he is not prepared to argue the case today and prays for adjournment of the case. Ld. Counsel for the respondents has no objection. In the interest of justice, the case is adjourned.</p> <p>List this case on 11.09.2015 for hearing.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>Ld. Counsel for the parties may submit/exchange synopsis/written arguments, supported with law, if any by the date fixed.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No 927 of 2015 with M.A. 1569 of 2015

Rajesh Singh Tomar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.09.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri A.K. Singh, holding brief of Shri J.S. Bhati, Ld. Counsel for the Applicant and Mrs Deepti Prasad Bajpai, Ld Sr. Standing Counsel for the Respondents.</p> <p style="text-align: center;"><u>M.A. 1569 of 2015</u></p> <p>Objection on application for condonation of delay filed by Ld. Counsel for the Respondents is taken on record.</p> <p>M.A. No 1569 of 2015 is disposed of accordingly.</p> <p style="text-align: center;"><u>M.A. No 927 of 2015</u></p> <p>Ld. Counsel Shri A.K. Singh, prays for and is granted a week time to file reply to objection of application for condonation of delay.</p> <p>List this case on 17.09.2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

Dy No 1957 of 2014 with M.A. No 1593 of 2015

Arvind Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri K.K. Mishra, Ld. Counsel for the Applicant and Mrs Deepti Prasad Bajpai, Ld Sr. Standing Counsel for the Respondents assisted by Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>Preliminary objection has been raised by the Respondents that present T.A. is not maintainable in this Tribunal since the applicant is not an army person. Earlier writ petition was filed in the High Court of Judicature at Allahabad which was dismissed on the ground of maintainability with liberty to approach Tribunal.</p> <p>The Tribunal while considering the question with regard to maintainability noted that the applicant was recruited as soldier technician (Nursing Assistant) and during the course of recruitment his candidature was rejected. He cannot be deemed to be an Armed Forces person. No adverse decision has been taken with regard to service matters.</p> <p>At this stage, Ld. Counsel for the applicant submits that an application for the recall of order dated 16.04.2014 has been moved in the High Court and the same is still pending.</p> <p>Accordingly, there appears no reason to interfere with the matter by the Tribunal. Hence Original Application is dismissed which shall be subject to outcome of recall application pending in High Court.</p> <p>The petition is dismissed accordingly.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No 1394 of 2014 inre O.A. Nil of 2014

Sub Rajendra Prasad
By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri K.K. Mishra, Ld. Counsel for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>Departmental Representative for the Respondents submits that relief claimed by the applicant has already been shorted out and proper decision has been taken by the Respondents. Ld. Counsel for the Applicant may take steps accordingly.</p> <p>He prays for and is granted a week time and no more to file objection on application for condonation of delay and also on maintainability of the case.</p> <p style="text-align: center;">List this case on 10.09. 2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: right;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 1848 of 2014 with M.A. No 1467 of 2015
Inre O.A. Nil of 2014

Vikram Kumar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.P. Pandey, Ld. Counsel for the Applicant and Shri Rajesh Kumar, Ld Counsel for the Respondents.</p> <p>The applicant a Sepoy in Assam Rifles has filed this Original Application under Section 14 of The Armed Forces Tribunal Act 2007 (in short AFT Act 2007) being aggrieved with the order of discharge.</p> <p>Preliminary objection has been raised by Ld. Counsel for the Respondents that the enactment i.e. Assam Rifles Act 2010 came into force w.e.f. 25.08.2006, hence this Original Application is not maintainable as the applicant is not subjected to AFT Act, 2007.</p> <p>Admittedly, the applicant is the member of Assam Rifles which is statutory body, hence the applicant may not be treated as Armed Forces Person as provided under AFT Act 2007.</p> <p>Accordingly the Original Application is not maintainable at this Tribunal and is dismissed with liberty to approach appropriate Forum/Court, if he so desires.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 130 of 2012

Shiv Charan Lal Sharma

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N Chaturvedi, Ld. Counsel for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>Departmental Representative for the Respondents prays for and is granted a week time and no more to move objection on amendment application.</p> <p>List this case on 08.09. 2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>ukt/-</i></p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No 54 of 2015

Lt Col Nardeep Singh Panjrath

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri K.K. Mishra, Ld. Counsel for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>Ld. Counsel for the Applicant submits that this Original Application has been admitted. Order sheet dated 02.03.2015 shows that the case was fixed for admission. Further record shows that delay has been condoned but the case is not admitted. Ld. Counsel for the Applicant submits that he has not seen the record.</p> <p>List this case on 02.09.2015 for orders.</p> <p>On the date fixed, Ld. Counsel for the Respondents shall produce the original record, for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 89 of 2015

Ashok Kumar Kushwaha

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Yashpal Singh Ld. Counsel for the Applicant and Shri A Patnaik Ld Counsel for the Respondents.</p> <p>Office Records shows that files have not been maintained properly and order passed by the Tribunal has not been arranged in proper way. There is no sequence of order sheets and these have not been marked properly. Separate order sheet has not been maintained. It is 10.16 hrs, we called on Registrar but he has not reached to the Court. It appears that the registry is not functioning in accordance with the rules.</p> <p>Let the matter be placed before the Head of Department who if desires, hold an enquiry and stream line the functioning of the registry with regard to maintenance of record as well as to ensure that officers and employees of the Armed Forces Tribunal, Lucknow, resume duty in time and leave the campus after the end of the working time.</p> <p>List this case on 09.09. 2015 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

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

Court No. 3

O.A. No. 141 of 2015

Akhilesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>31.08.2015 <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>This application under section 14 of the Armed Forces Tribunal Act 2007 (in short AFT Act 2007) has been filed by the applicant with the prayer that the contemplated discharge order dated 31.07.2015 be set aside.</p> <p>The order dated 01.07.2015 of this Tribunal, shows that the directions were given to the Respondents to dispose of his statutory petition dated 13.04.2015 within two weeks. The direction issued by this Tribunal is still operative. Departmental Representative for the Respondents submits that the statutory petition has reached to Army Headquarters and shall be disposed of in a short time.</p> <p>We further direct the respondent concerned to decide the statutory petition of the applicant by a reasoned and speaking order within four weeks from today.</p> <p>Lt Col Subodh Verma, Departmental Representative for the Respondents shall communicate this order to Army Headquarters.</p> <p>For any grievance, it shall be open to the applicant to approach the Tribunal again, if he so desires.</p> <p>With aforesaid observation, the Original Application is disposed off.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 113 of 2013

Sub Maj Hoshiyar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>31.08.2015 <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the Applicant and Lt Col Subodh Verma, Departmental Representative for the Respondents.</p> <p>Heard Ld. Counsels for the parties and perused the documents available on record.</p> <p>This Original Application has been filed by Ld. Counsel for the Applicant under Section 14 of the Armed Forces Tribunal Act 2007 for issuance of appropriate directions to Respondents for grant Honorary Commission from 15.08.2012 and 26.01.2013 respectively. According to Ld. Counsel for the Applicant, the applicant was entitled for grant of Honorary Commission but the same has been denied to him. Ld. Counsel for the Applicant submits that there is nothing adverse in service record of the applicant which affect his right for the grant of Honorary Commission. The applicant has been retired from service on 30.06.2013.</p> <p>After retirement, the applicant has not filed any representation for grant of Honorary Commission under Regulation 368 of Regulations for the Army 1987 which is reproduced as under:-</p> <p><i>“368. Petitions by Ex Soldiers. The procedure to be observed for the submission of petitions to the military authorities by persons who have been but are not longer in military employ (including reservists), or their relative, on matters relating to their military service is as under:-</i></p> <p><i>(a) In the First instance the person who wishes to submit a petition should, whenever possible, consult the nearest member of his Zila Sainik Board</i></p> <p><i>(b) When necessary petition will subsequently be addressed to the OC the petitioner's late unit or in the case of disbanded units to the authority indicated on the discharge certificate, and where possible the remarks of the member of the Zila</i></p>

Sainik Board concerned will be endorsed thereon.

(c) Petitions should in no case be sent direct to the Central Government, the Chief of the Army staff, or to officers at Army Headquarters. Petitions so addressed involve further delay in examining the petitioners request as it is invariably necessary to refer to the OC the petitioner's unit before any reply can be given.

(d) COs will, only after careful consideration, refer to higher authority, petitions which they are unable to dispose of themselves or on which it is desirable that the orders of higher authority, should be passed. Any petition so referred will be accompanied by full particulars and where possible, a definite recommendation.

(e) Cos will ensure that these orders are understood by all persons in military employ at the time of their transfer to reserve or discharge.

Admittedly the applicant has not moved any representation under Regulation 368 of Regulations for the Army 1987. Thus, the applicant has not availed alternate remedies available to him as provided under Section 21 of the Armed Forces Tribunal Act. The applicant has right to represent his case to the Army authorities before filing the case in Tribunal. In the present case, Regulation 368 of the Regulations for the Army 1987 empowers the applicant for filing a representation to army authorities even after retirement.

Since the applicant has not raised his grievance to army authorities, hence it is provided that in case the applicant moves a representation under Regulation 368 of the Regulations for the Army 1987 (supra) within one month, it shall be disposed of by the Respondents concerned within three months by a reasoned and speaking order and the decision taken by the Respondents shall be communicated to the applicant.

With this direction, the Original Application is **disposed off**.

No order as to cost.

(Air Marshal Anil Chopra)
Member (A)

(Justice D.P. Singh)
Member (J)

ukt/-

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

Court No. 3

O.A. No. 146 of 2014

Rohit Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India and Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2015</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, Ld. Counsel for the Applicant and Shri Rajesh Kumar, Ld Counsel for the Respondents.</p> <p>Heard Ld. Counsels for the parties.</p> <p>From perusal of record, it transpires that the applicant in prayer clause of original application has prayed for quashing the discharge order as well as for grant of disability pension.</p> <p>Objection has been raised on maintainability of the case by Ld. Counsel for the Respondent that the applicant has sought relief for quashing of discharge order as well as for grant of disability pension which is not permissible under Rule 10 of Armed Forces (Procedure) Rule 2008. Two reliefs based on different cause of action have been claimed, hence this Original Application is not maintainable.</p> <p>Ld. Counsel for the Applicant submits that he does not want to press this application and prays for liberty to file a fresh application in appropriate Forum/Court.</p> <p>The Original Application is dismissed with liberty to file a fresh application, if he so desires.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p>ukt/-</p>

