

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**M.A. No. 679 of 2014 with T.A. No. 1053 of 2010**

**Pitambar Datt Nainwal**

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><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri S.K. Singh, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Learned counsel for the applicant states that he will be filing receipt of deposition of Rs. 1,000/- after getting it from the Secretary of the AFT Bar Association. He, therefore, prays that the matter be listed on 26.11.2014.</p> <p>As prayed, list on 26.11.2014 before the appropriate Court having jurisdiction, as per roster.</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. 1474 of 2014 with M.A. No. 1475 of 2014**

**(Inre: O.A. No. 165 of 2012)**

**Union of India & Others**

By Legal Practitioner for Applicants

Applicants

Versus

**Ajay Pal Singh**

By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>The case has been called out in the revised list. Shri A.K. Srivastava, learned counsel for the applicants, is not present. However, Capt. Priti Tyagi, Departmental Representative, is present. No one appears on behalf of the respondent.</p> <p>This Misc. Application No. 1474 of 2014 has been filed by the applicants for condoning the delay in filing Misc. Application No. 1475 of 2014, under Section 31(2) of the Armed Forces Tribunal Act, 2007 (called the 'Act' for short), praying for leave to appeal before the Hon'ble Supreme Court under Section 31(1) of the Act challenging the judgment and order dated 30.4.2012, passed by this Tribunal in Original Application No. 165 of 2012.</p> <p>We have gone through Section 31(2) of the Act which provides that "<i>An application to the Tribunal for leave to appeal to the Supreme Court shall be made within a period of thirty days beginning with the date of the decision of the Tribunal ....</i>". This application for leave to appeal has been filed, as per office report, delayed by 2 years,</p>

4 months and 28 days. Apart from it, we have also gone through the application for leave to appeal and the aforementioned judgment of this Tribunal. We do not find any substantial point of law of general public importance is involved in the decision of this Tribunal so as to grant leave to appeal and condone the delay.

Further, so far as filing of application for leave to appeal beyond the period of limitation is concerned, the Hon'ble Supreme Court in the case of **Office of the Chief Post Master General & others v. Living Media India Ltd. & another** reported in 2012 STPL(LE) 46200 SC has observed that *“condonation of delay is an exception and should not be used as an anticipated benefit for government departments”* and since *“the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly 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.”*

In view of above, we hereby refuse to condone the delay. Accordingly, Misc. Application No. 1474 of 2014 is rejected. Since the aforementioned delay condonation application has been rejected, in consonance thereof Misc. Application No. 1475 of 2014, praying for leave to appeal, is also rejected .

(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. 1480 of 2014 with M.A. No. 1481 of 2014**  
**(Inre: O.A. No. 108 of 2013)**

**Union of India & Others**  
By Legal Practitioner for Applicants

Applicants

Versus

**Sunder Lal**  
By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>The case has been called out in the revised list. Shri R.S. Mishra, learned counsel for the applicants along with Capt. Priti Tyagi, Departmental Representative, is present. No one appears on behalf of the respondent.</p> <p>This Misc. Application No. 8074 of 2014 has been filed by the applicants for condoning the delay in filing Misc. Application No. 1481 of 2014, under Section 31(2) of the Armed Forces Tribunal Act, 2007 (called the 'Act' for short), praying for leave to appeal before the Hon'ble Supreme Court under Section 31(1) of the Act challenging the judgment and order dated 5.4.2013, passed by this Tribunal in Original Application No. 108 of 2013.</p> <p>We have gone through Section 31(2) of the Act which provides that "<i>An application to the Tribunal for leave to appeal to the Supreme Court shall be made within a period of thirty days beginning with the date of the decision of the Tribunal ....</i>". This application for leave to appeal has been filed, as per office report, delayed by 1 year, 5 months and 23 days. Apart from it, we have also gone through the application for leave to appeal and</p>

the aforementioned judgment of this Tribunal. We do not find any substantial point of law of general public importance is involved in the decision of this Tribunal so as to grant leave to appeal and condone the delay.

Further, so far as filing of application for leave to appeal beyond the period of limitation is concerned, the Hon'ble Supreme Court in the case of **Office of the Chief Post Master General & others v. Living Media India Ltd. & another** reported in 2012 STPL(LE) 46200 SC has observed that *"condonation of delay is an exception and should not be used as an anticipated benefit for government departments"* and since *"the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly 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."*

In view of above, we hereby refuse to condone the delay. Accordingly, Misc. Application No. 1480 of 2014 is rejected. Since the aforementioned delay condonation application has been rejected, in consonance thereof Misc. Application No. 1481 of 2014, praying for leave to appeal, is also rejected .

(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**

**EX-A. No. 29 of 2014 with M.A. No. 1090 of 2014 & 1091 of 2014  
(Inre: O.A. No 282 of 2011)**

**Sudhakar Tripathi**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri V.A. Singh, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This is an execution case and has been filed by the applicant on 20.8.2014 praying therein for implementation of the judgment and order dated 24.7.2013, passed by this Tribunal in O.A. No. 282 of 2011 with the direction to the respondents to reinstate the applicant in service and to pay all consequential benefits to him from the date of retirement, i.e. from 1.4.2011 for 5 years or till he attains 55 years of age. The discharge order issued by DSC Records, Cannanore, was accordingly quashed.</p> <p>This Court, while entertaining this Execution Application on 25.8.2014 had granted, as prayed by learned Standing Counsel, two weeks' time to obtain instruction as to why the aforementioned judgment and order dated 24.7.2013 has not yet been implemented</p>

and 16.9.2014 was fixed. On 16.9.2014 the then Departmental Representative, Major Narender Singh, pointed out to the Court that he has received instructions from Col. Y.B. Singh, Director, DSC DTE, IHQ, New Delhi, to the effect that he should request the Tribunal for grant of four weeks' further time to get the aforementioned judgment and order dated 24.7.2013 implemented.

This Court while granting time to the respondents fixed today's date to ascertain from the respondents whether the aforesaid judgment and order has been implemented or not.

Today, Capt. Priti Tyagi, Departmental Representative, states that she has not yet received any instruction and prays that one week's further time be granted to her to obtain instruction.

As a matter of last opportunity one week and no more time is granted to the respondents to obtain clear cut instruction, failing which the respondents shall be ready to bear the consequences if the aforementioned judgment and order is not implemented by the next date. It is further clarified that no further time will be granted/

As prayed, list the case on 12.11.2014 before the appropriate Court having jurisdiction, as per roster.

(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. 979 of 2014**

**Dashartha**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Parijaat Belaura, learned counsel for the applicant, and Shri R.S. Mishra, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case, learned counsel for the applicant states that the matter pertains to family pension and as such this case has been wrongly listed before this Court.</p> <p>As prayed, list this case on 10.11.2014 before the appropriate Court having jurisdiction, as per roster.</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. 29 of 2014**

**Radhey Shyam**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>In this case the applicant has prayed for quashing of the AMC records letter dated 16.7.2013, contained in Annexure No. A-1 to this O.A.</p> <p>While going through the file it transpires that Annexure No. A-1 relates to complaint made by the applicant himself.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file amendment application.</p> <p>It also comes out that in the order, circulated by the office of this Tribunal, issued by the Hon'ble H.O.D. on 19.9.2014 under the provisions of Rule 146 of the Armed Forces Tribunal (Practice) Rules, 2009 introduced subject-wise classification in accordance with Form No. 27 effecting its implementation from 29.9.2014 and accordingly a roster has been prepared. From it, it comes out that the matter pertaining to ACR has been grouped with the disciplinary cases</p>

but the outcome of ACR which might result in selection, promotion and grant of substantive rank has been bunched in another group. As such we feel that the matter be placed before the Hon'ble H.O.D. by the Registry within a week.

List this case on 5.12.2014 before the concerned Court having jurisdiction, as per roster, after obtaining necessary orders from the Hon'ble H.O.D.

(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. 76 of 2014 with M.A. No. 1372 of 2014**

**Shiv Mohan Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri S.S.L. Srivastava, learned counsel for the applicant, and Shri Devendra Kumar, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he has received a copy of the counter affidavit. He, therefore, prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p>List the case on 13.11.2014 before the appropriate Court having jurisdiction as per roster.</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. 01 of 2009**

**Rakesh Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>The Court file indicates that in the record there are several judgments, not only of the Armed Forces Tribunal but also of the Hon'ble apex Court. On being asked how these judgments relate to the applicant, Shri Chaturvedi showed his ignorance of the judgments of the AFT and Hon'ble apex Court and failed to address upon it. Shri Chaturvedi, thereafter prays that some time be granted to him to go through the Court record to enable him to submit his arguments. Time prayed for is granted.</p> <p>As prayed, list this case on 16.1.2015 before the appropriate Court having jurisdiction, as per roster.</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. 70 of 2010**

**Jagdisha H.G.**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>31.10.2014</b></u> <u><b>Hon'ble Mr. Justice Abdul Mateen, Member (J)</b></u> <u><b>Hon'ble Lt. Gen. A.M. Verma, Member (A)</b></u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri R. Chandra states that this case will be argued by his senior Shri K.C. Ghildiyal and prays that this case be listed on 7.11.2014 as on that date Shri Ghildiyal will be at Lucknow.</p> <p>As prayed, list on 7.11.2014.</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. 309 of 2012**

**Jaivind Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Chief of Army Staff & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</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. 200 of 2013**

**Dinesh Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

**Chief of Army Staff & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri S.K. Singh, Advocate, appeared and stated that Shri Yashpal Singh, learned counsel for the applicant, has not come to this Court today and prays that the matter be adjourned.</p> <p>As prayed list on 16.1.2015 before the appropriate Court having jurisdiction, as per roster.</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. 1448 of 2014 with M.A. No. 1449 of 2014**  
**(Inre: T.A. No. 10 of 2014)**

**SK Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri A.K. Singh, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p><b><u>Misc. Application No. 1448 of 2014.</u></b></p> <p>This is an application, under Section 5 of the Limitation Act, for condonation of delay in filing the recall application (Misc. Application No. 1449 of 2014).</p> <p>We have gone through the application and the affidavit filed along with the application. After going through it, we find that the reasons shown in the affidavit for the delay appears to be genuine. Accordingly, we hereby allow Misc. Application No. 1448 of 2014 and condone the delay in filing the recall application.</p> <p><b><u>Misc. Application No. 1449 of 2014.</u></b></p> <p>This is an application for recall of the order dated 27.8.2014, passed by this Court, dismissing Transferred Application No. 10 of 2014 for non-prosecution.</p>



The reasons shown in the affidavit accompanying the recall application seems to be genuine. Accordingly, the order dated 27.8.2014 is hereby recalled. The Transferred Application is restored to its original number.

**Transferred Application No. 10 of 2014.**

Heard learned counsel for the parties on this Transferred Application which has come before this Court on transfer from M.P. High Court vide order dated 27.3.2014, passed by a Division Bench of the Hon'ble M.P. High Court while considering the provision of Section 34 of the Armed Forces Tribunal Act, 2007, wherein the Division Bench of the Hon'ble M.P. High Court directed for transfer of Writ Appeal No. 388 of 2008 before the Lucknow Bench of this Tribunal for adjudication and on being transfer to this Tribunal the Writ Appeal has been renumbered as Transferred Application No. 10 of 2014.

As it comes out from the record, that earlier the applicant had approached the Hon'ble M.P. Court by filing Writ Petition No. 2185 of 1998. This writ petition was dismissed by a Hon'ble Single Judge of that High Court and aggrieved against the decision of the Hon'ble Single Judge, the petitioner/applicant preferred the aforementioned Writ Appeal before that High Court, which in turn, has been transferred to this Tribunal by the order of a Division Bench of that High Court dated 27.3.2014.

While hearing learned counsel for the applicant, an objection has been raised by learned Standing Counsel with respect to maintainability of this Transferred Application before this Tribunal. He based his arguments on the decision dated 21.12.2012 of the Full Bench of the Hon'ble Allahabad High Court in Special Appeal (Defective) No. 610 of 2002 (No. 14226029 Ex Sigman Nand Kishore Sahoo v. Chief of the Army Staff, New Delhi & others) whereby the view, as has been expressed by the Full Bench of the Allahabad High

Court, is to the effect that –

*“In view of the foregoing discussions, we are of the considered opinion that the special appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 against the judgment and order of the learned Single Judge pending adjudication immediately prior to the constitution of the Armed Forces Tribunal is not liable to be transferred to the Tribunal and the decision rendered by the Division Bench in Ram Baran (Supra) does not lay down the correct law.*

*In view of the majority opinion, the answer to the question referred to is that a special appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 against the judgment and order of the learned Single Judge pending adjudication immediately prior to the constitution of the Armed Forces Tribunal under the Armed Forces Tribunal Act, 2007 is not liable to be transferred.”*

In view of above, since this matter cannot be entertained by this Tribunal, keeping in view the decision of the Full Bench of the Allahabad High Court rendered in the case of **Ex Sigman Nand Kishore Sahoo** (*supra*), we hereby order to remit back this Transferred Application No. 10 of 2014 to the Hon’ble M.P. High Court for its adjudication.

Registry of this Court to take follow up action.

(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. 1460 of 2014 with M.A. No. 1461 of 2014**  
**(Inre: O.A. No. 381 of 2012)**

**Union of India & Others**  
By Legal Practitioner for Applicants

Applicants

Versus

**Ram Niwas**  
By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Ram Shakal Mishra, learned Standing Counsel for the applicants along with Capt. Priti Tyagi, Departmental Representative.</p> <p>This Misc. Application No. 1460 of 2014 has been filed by the applicants for condoning the delay in filing Misc. Application No. 1461 of 2014, under Section 31(2) of the Armed Forces Tribunal Act, 2007 (called the 'Act' for short), praying for leave to appeal before the Hon'ble Supreme Court under Section 31(1) of the Act challenging the judgment and order dated 21.9.2012, passed by this Tribunal in Original Application No. 381 of 2012.</p> <p>We have gone through Section 31(2) of the Act which provides that "<i>An application to the Tribunal for leave to appeal to the Supreme Court shall be made within a period of thirty days beginning with the date of the decision of the Tribunal ....</i>". This application for leave to appeal has been filed, as per office report, delayed by 2 years and 7 days. Apart from it, we have also gone through the application</p>

for leave to appeal and the aforementioned judgment of this Tribunal. We do not find any substantial point of law of general public importance is involved in the decision of this Tribunal so as to grant leave to appeal and condone the delay.

Further, so far as filing of application for leave to appeal beyond the period of limitation is concerned, the Hon'ble Supreme Court in the case of **Office of the Chief Post Master General & others v. Living Media India Ltd. & another** reported in 2012 STPL(LE) 46200 SC has observed that "*condonation of delay is an exception and should not be used as an anticipated benefit for government departments*" and since "*the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly 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.*"

In view of above, we hereby refuse to condone the delay. Accordingly, Misc. Application No. 1460 of 2014 is rejected. Since the aforementioned delay condonation application has been rejected, in consonance thereof Misc. Application No. 1461 of 2014, praying for leave to appeal, is also rejected .

(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**

**EX.-A. No. 42 of 2014**  
**(Inre: O.A. (A). No. 07 of 2013)**

**Mukesh Kumar** Applicant  
By Legal Practitioner for Applicant

Versus

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Dr. Ashish Asthana, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Learned counsel for the applicant states that he intends to withdraw this Execution Application and to file a fresh Execution Application.</p> <p>As prayed, this Execution Application No. 42 of 2014 is dismissed as withdrawn with the liberty to file a fresh Execution Application, if so advised, in accordance with law.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
**Court No. 3**

**T.A. No. 05 of 2010**

**Udai Narayan Singh** Applicant  
By Legal Practitioner for Applicant

Versus

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri D.N. Pandey, learned counsel for the applicant, and Shri Dileep Singh, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p style="text-align: center;">As prayed by learned counsel for the applicant, list this case for orders/admission on 8.12.2014 before the Court concerned having jurisdiction of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

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

**Court No. 3**

**T.A. No. 600 of 2010**

**Sunil Kumar Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri K.K. Mishra, learned counsel for the applicant, states that he has not yet been able to gather information about the outcome of the summary disposal matter, pending before the Hon'ble apex Court with respect to maintainability of this Transferred Application.</p> <p>Shri Mishra may inform this Court about the decision of the Hon'ble apex Court by the next date.</p> <p>As prayed, list on 2.12.2014 before the Court concerned having jurisdiction 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. 05 of 2013**

**Smt. Chandra Kali**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case a request has been made by Shri K.K. Mishra, Advocate, on the request having been made to him by Shri P.N. Chaturvedi, learned counsel for the applicant, for adjournment of the case. Accordingly, the case is adjourned for the day.</p> <p>This matter relates to pension.</p> <p>List the case on 14.11.2014 before the appropriate Court having jurisdiction of pension cases as per roster.</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. 369 of 2012**

**Gurwinder Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</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. 133 of 2013**

**Gagan 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><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri V.K. Pandey, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>On the request made by learned counsel for the applicant, the case is adjourned for the day.</p> <p>As prayed, list on 1.12.2014 before the Court concerned having jurisdiction of that date as per roster.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

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

**Court No. 3**

**T.A. No. 838 of 2010**

**Raji Hasan**

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><b><u>30.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Mukund Tewari learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case a person, claiming himself to be Raji Hasan, applicant, appeared and stated that his counsel Shri Bachchan Singh is not well and confined to bed. He, therefore, prays for adjournment of the case. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 2.1.2015 before the Court concerned having jurisdiction of that date as per roster.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**M.A. No. 1458 of 2014 with O.A. No. 217 of 2014**

**Deepak Badakoti**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Rajesh Kumar on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri Anant Tiwari, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsel for the applicant. The applicant has approached this Tribunal challenging the order of his discharge.</p> <p>Since the matter is not cognizable by this Bench, it be listed before the concerned Bench on 30.10.2014.</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. 1448 of 2014 with M.A. No. 1449 of 2014  
(Inre: T.A. No. 10 of 2014)**

**SK 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><b><u>29.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Rajesh Kumar on behalf of respondents no. 1 and 2 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri A.K. Singh, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Put up/list this case tomorrow, i.e. on 30.10.2014.</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**

**O.A. No. 129 of 2010**

**Mithilesh Kumar Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Capt. Priti Tyagi, 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, this O.A. No. 129 of 2010 is dismissed for non-prosecution.</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. 325 of 2013**

**Surender Singh Yadav**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri Chaturvedi states that he intends to file rejoinder affidavit. He, therefore, prays for and is granted a week's time to file rejoinder affidavit.</p> <p>List on 4.12.2014.</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. 106 of 2011**

**Ramji Gautam**

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><b><u>29.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard Shri Rohit Kumar, learned counsel for the applicant, on this Transferred Application wherein a prayer has been made that the applicant be promoted to the rank of Subedar from the original date.</p> <p>Since this matter relates to promotion, it be heard by the concerned Court having jurisdiction.</p> <p>Accordingly, list this case before the concerned Court having jurisdiction on 12.11.2014.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>



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

**Court No. 3**

**O.A. No. 59 of 2013**

**Jitendra Pratap Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri S.P. Tripathi, learned counsel for the respondents, and Capt. Priti Tyagi, 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. We have also gone through the record of the case and it comes out that this O.A. has not yet been admitted, though this case has been listed for hearing.</p> <p>However, since no one appeared for the applicant, this O.A. No. 59 of 2013 is dismissed for non-prosecution.</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. 149 of 2010**

**Virendra Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Col. Ashok Kumar (Retd.) &amp; Shri Rohit Kumar, learned counsel for the applicant, and Shri S.P. Tripathi, learned counsel for the respondents along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Learned counsel for the applicant are not prepared with the brief. As such list this case on 4.12.2014 before the concerned Court having jurisdiction of that date.</p> <p>On the next date, learned counsel for the applicant is directed to file clear and legible copies as well as typed copies of the post-mortem report of the deceased, typed copies of the statements of the prosecution witnesses and copies of injury report as well as its typed copies for perusal of the Court.</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. 128 of 2011**

**Shende Sahadev Rao Dilip**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri P.N. Chaturvedi, learned counsel for the applicant, states that this case is part-heard by the Bench of Hon'ble V.K. Dixit, Member (J) and Hon'ble Lt. Gen. Gyan Bhushan, Member (A).</p> <p>Accordingly, list this case before the concerned Bench on 14.11.2014.</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. 1253 of 2014**

**Sukhpal Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, and Capt. Satendra Singh, Departmental Representative.</p> <p>Capt. Satendra Singh, Departmental Representative, prays for and is granted six weeks' time to file objection on the delay condonation application.</p> <p>List on 9.1.2015.</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. 1440 of 2014**  
**(Inre: T.A. No 39 of 2011)**

**Sanobar S**

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><b><u>28.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri M.K. Singh, learned counsel for the applicant, and Capt. Satyendra Singh, Departmental Representative.</p> <p><b><u>Misc. Application No. 1440 of 2014.</u></b></p> <p>The applicant has filed this application with the prayer to recall the order dated 30.9.2014, passed by this Court, dismissing the Transferred Application No. 39 of 2011 for non-prosecution.</p> <p>The reasons shown in the affidavit accompanying the recall/restoration application seems to be genuine. The applicatoion is allowed and the order dated 30.9.2014 is hereby recalled. The Transferred Application is restored to its original number.</p> <p>List for orders on 30.1.2015 before the Court concerned having jurisdiction 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. 915 of 2014**

**Abhimanyu Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.B. Singh, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Satendra Singh, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection on the delay condonation application.</p> <p>List on 4.12.2014 before the Court concerned having jurisdiction 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. 250 of 2011**

**Smt. Januka Devi**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Mukund Tewari 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 Rohit Kumar, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Satendra Singh, Departmental Representative.</p> <p>Shri Mukund Tewari, learned counsel for the respondents, states that copies of GCM proceedings along with supplementary affidavit is to be filed within a week before the Registry of this Court after serving a copy of the same on learned counsel for the applicant.</p> <p>Heard learned counsel for the parties.</p> <p>The question is issue arises out of the GCM proceedings against the husband of the applicant, viz. late Dili Ram Rai, who, as per learned counsel for the applicant, had been acquitted for all the charges levelled against him but in revision, out of the four charges, three charges have not been confirmed except the 4<sup>th</sup> charge, which has been confirmed.</p>

Learned counsel for the applicant submits that the applicant was wrongly dismissed from service.

There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, we admit this Original Application No. 250 of 2011.

List for hearing on 14.1.2015 before the Court concerned having jurisdiction 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><b><u>28.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Prakhar Kankan, learned counsel for the respondents, along with Capt. Satendra Singh, Departmental Representative.</p> <p>On call of the case, learned counsel for the applicant submits that the order dated 21.7.2014, passed by this Court, has not yet been implemented to the effect that the cost of Rs. 5,000/-, imposed on the respondents and to be paid to the applicant, has not yet been deposited.</p> <p>Capt. Satendra Singh, Departmental Representative, prays for and is granted a week's time to inform this Court as to whether the respondents intend to file supplementary affidavit or not, as indicated in our order dated 21.7.2014.</p> <p>List for orders on 5.11.2014.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**O.A.(A). No. 149 of 2010**

**Raj Kumar Yadav**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.B. Singh holding brief of Shri G.S. Chauhan, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Satendra Singh, Departmental Representative.</p> <p>Learned counsel for the applicant states that he intends to file certain documents and prays that he be granted four weeks' time to bring the same on record. Time prayed for is granted.</p> <p>We have gone through the order-sheets and it comes out that this Original Application has not yet been admitted. It also comes out that the DCM are of the year 1983 and the Original Application has been filed on 18.8.2010, delayed by about 27 years, but there is no office report regarding delay in filing the Original Application and before the delay having been condoned, the Original Application has been registered by the office and number of the O.A. has been allotted. The applicant has filed a delay condonation application on 28.10.2010 which is still pending disposal. Surprisingly the office without looking to the file has listed this case for hearing without the delay having</p>

been condoned and without the O.A. having been admitted. Office is, therefore, directed to remain cautious in future of such lapses.

However, list for orders on condonation of delay and thereafter for admission of the O.A. on 5.1.2015 before the Court concerned having jurisdiction 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. 82 of 2010**

**Rakesh Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Shri Prakhar Kankan, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>Heard learned counsel for the applicant on the point of admission of this Transferred Application, which has not yet been admitted although this T.A. is pending in this Tribunal since the year 2010.</p> <p>The applicant aggrieved against the findings of GCM and subsequent conviction under Section 69 of the Army Act read with Sections 302/307 IPC filed Writ Petition No. 1769 of 2001 before the Hon'ble High Court at Allahabad, which has been transferred before this Tribunal and numbered as Transferred Application No. 82 of 2010. Till date this T.A. has not been admitted.</p> <p>Learned counsel for the applicant while taking us to the evidence emphasised that the evidence is not such to enable the respondents to convict the applicant under Section 69 of the Army Act read with Sections 302/307 IPC.</p>

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 been exchanged in this case, list for hearing on 12.1.2015 before the Court concerned having jurisdiction 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. 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><b><u>28.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, and Shri Prakhar Kankan, learned counsel for the respondents, along with Capt. Satendra Singh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>It comes out that the applicant had been charged in the year 1985 for carrying Charas from Jammu &amp; Kashmit to Mumbai and SCM proceedings were initiated and the applicant was convicted for 3 months' R.I. and dismissal from service.</p> <p>Aggrieved against his conviction and dismissal from service the applicant filed Writ Petition No. 8590 of 1987 before the Hon'ble High Court at Allahabad and on creation of this Tribunal this writ petition came on transfer before this Tribunal in the year 2010 and since then it is pending disposal.</p> <p>It comes out that in the year 1987 a counter affidavit was filed by one Lt. Col. B.A. Dandapani, who happened to be posted as Assistant Adm. Commandant, Station HQ, Allahabad. In paragraph no. 6 of this counter affidavit the deponent categorically stated that</p>

“One of the charges against the petitioner was that he was carrying 20 Kg. of CHARAS from Shri Nagar to Bombay. The confidential statement given by the petitioner will be produced at the time of hearing of the petition.” Thus it indicate that the record of SCM proceedings were in possession of the respondents.

Learned counsel for the applicant/petitioner submits that copy of the SCM proceedings, inspite of repeated demand, has never been given to the petitioner.

In the supplementary counter affidavit, sworn by one Major Ajay Singh, it has been indicated in paragraph 2 that “the records pertaining to the SCM of the petitioner has been weeded out after maintaining the same for mandatory period of three years.” In the supplementary counter affidavit a letter dated 19.5.2011 of OIC Records ASC Record (South) Bangalore has been annexed wherein it has been specifically stated that in view of Para 146(2) of the Army Rules, 1954, the Records Office required to maintain the record for a period of three years and, therefore, the record has been destroyed after completion of mandatory period of three years since the Records Office was not aware of filing of court case.

In view of above, we are of the view that since four copies of SCM proceedings are prepared, as such rest of the copies of SCM proceedings must be in the custody of the respondents which the respondents should produce before this Court on the next date. Learned counsel for the respondents as also the Departmental Representative are directed to ensure production of the SCM proceedings before this Court on the next date.

List this case again on 4.12.2014 before the Court concerned having jurisdiction of that date.

Let a copy of this order be also sent to the Chief of the Army Staff for information and necessary action against the guilty officers who after having knowledge of the court proceedings, as is evident

from the counter affidavit filed by the respondents before the Hon'ble High Court in the year 1987 that the respondents were and are in full knowledge of the case pending for adjudication and now, after having full knowledge about pendency of the case, the stand is being taken in the supplementary counter affidavit that since they had no knowledge about the court proceedings the SCM proceedings had been weeded out after completion of mandatory period of three years. Such a stand now taken by the respondents shows how the officers under his control are working. We condemn such type of working by a prestigious and well disciplined organisation like Indian Army.

(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**

**Ex.A. No. 33 of 2014**  
**(Inre: T.A. No. 63 of 2010)**

**Nandan Singh Rawat**  
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><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>This Execution Application has been filed by the applicant aggrieved against non-compliance of the judgment and order dated 20.8.2013 passed by this Tribunal in T.A. No. 63 of 2010. Through the aforesaid judgment and order this Tribunal had quashed the SCM proceedings and directed the respondents to reinstate the applicant in service notionally and grant him pensionery and other monetary benefits to which the applicant is entitled under the Rules.</p> <p>On 19.9.2014 we granted time to the Standing Counsel to seek instructions as to why the judgment and order of this Tribunal, passed as back as on 20.8.2013 in T.A. No. 63 of 2010, has not yet been implemented.</p> <p>Shri Pandey states that he has not received any instruction so far .</p> <p>Learned counsel for the applicant states at the Bar that neither</p>

the applicant has been reinstated notionally in service till date not nor he has been granted any pensionery and other monetary benefits to which the applicant is entitled under the Rules.

In the aforesaid circumstances we hereby direct respondent no. 3, Officer-in-Charge, Kumaon Regiment, Ranikhet, to deposit Rs. 1,00,000/- as part of pensionery benefits which shall be calculated within a period of ten days from today. This amount shall be deposited with the Registrar of this Tribunal and shall be paid to the applicant on a judicial order by this Tribunal.

List this case again on 13.11.2014 before the Court concerned having jurisdiction of that date. The Registrar of this Tribunal is directed to send a copy of this order to respondent no. 3 for necessary action.

(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. 1404 of 2014**  
**(Inre: O.A. No. 47 of 2014)**

**Hardev Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the case.</p> <p>Accordingly, Misc. Application No. 1404 of 2014 as well as O.A. No. 47 of 2014 are dismissed for non-prosecution.</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**

**TA. No. 22 of 2014**

**Parmanand**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>The report of the Registrar indicates that notice was sent to the applicant but it has returned unserved. This case has been transferred to this Tribunal from the Hon'ble High Court at Allahabad, vide order dated 7.8.2014 and renumbered to this Tribunal as T.A. No. 22 of 2014.</p> <p>Let fresh notice be sent to the applicant at his address given in the writ petition by Registered Post informing him that the matter will be listed on 5.1.2015 again for admission. On that date he may either appear in person or through his counsel to inform this Court as to whether he intends to pursue the remedy or not.</p> <p>List on 5.1.2015 before the Court concerned having jurisdiction 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. 35 of 2013**  
**(Inre: O.A. No. 77 of 2011)**

**Karan Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**OIC Records & another**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Singh Bisht, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This Execution Application has been moved aggrieved against non-compliance of the judgment and order dated 6.12.2012 passed by this Tribunal in O.A. No. 77 of 2011 directing the respondents to reinstate the applicant in service from 18.2.2005 with all service and monetary benefits provided the applicant is found physically and mentally fit for the job within three months from the date of the judgment.</p> <p>Shri Pandey, on the basis of instruction, states that Adjutant General has accorded sanction for grant of arrears of pay and allowances amounting to Rs. 12,14,132/- for the period from 18.2.2005 to 30.4.2013, the date of notional superannuation.</p> <p>Let the said letter be brought on record by means of an affidavit within a week.</p>

List on 10.11.2014 before the Court concerned having jurisdiction 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**

**Ex.A. No. 65 of 2013**  
**(Inre: T.A. No. 1276 of 2010)**

**Aditya Narain Sharma**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.K. Shukla holding brief of Shri J.N. Mishra, learned counsel for the applicant, and Mrs. Veera Bahadur Srivastava, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>Let notice be issued to PCDA(P), Allahabad, to appear in person on the next date and to show cause as to why cost be not imposed upon him to be deducted from his salary for not complying with the judgment and order dated 10.10.2012 passed by this Tribunal in T.A. No. 1276 of 2010 and also to show cause as to why adverse entry be not ordered to be recorded in his CR.</p> <p>It is, however, clarified that if the aforesaid judgment and order is implemented by the next date, PCDA(P) need not appear.</p> <p>List on 4.12.2014 before the Court concerned having jurisdiction 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. 240 of 2012**

**Amar Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks and no more time to file reply.</p> <p>List on 19.12.2014 before the Court concerned having jurisdiction 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. 157 of 2014**

**Umesh Kumar Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time to file counter affidavit.</p> <p>List on 6.1.2015 before the Court concerned having jurisdiction of that date. When the case is next listed, the name of Shri Ashutosh Kumar Srivastava be shown as counsel for the respondents.</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. 721 of 2010 with M.A. No. 1171 of 2014**

**Jai Prakash Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Col. B.P. Singh (Retd.), learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>Heard learned counsel for the applicant on this Transferred Application which has come on transfer from the Hon'ble High Court at Allahabad.</p> <p>The matter relates to punishment awarded to the applicant in SCM in the nature of severe reprimand and reduced to rank.</p> <p>The question raised by learned counsel for the respondents with respect to maintainability of this petition since it relates to severe reprimand and reduction in rank. He referred the provisions of Section 3(o) of the AFT Act, 2007, but, on the other hand, learned counsel for the applicant referred the judgment rendered by the Lucknow Bench of the Allahabad High Court in Writ Petition no. 805 of 1989 (Major Kumar Amreshwar Singh v. Union of India &amp; others) on 20.2.2014 which propounded the law that against the order of reprimand petition before the Armed Forces Tribunal is maintainable.</p>

In view of above, we admit this petition.

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

List on 9.1.2015 before the Court concerned having jurisdiction 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. 1257 of 2010**

**R.D. Tripathi**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted further two weeks and no more time to file counter affidavit.</p> <p>List on 22.1.2014 before the Court concerned having jurisdiction 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. 108 of 2012**

**Chandra Prakash**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Ashok Shukla, learned counsel for the applicant, Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>As it comes out from the pleadings of the parties that the petitioner has prayed for quashing of the adverse entry recorded in his ACR and for grant of promotion to the higher post. Learned counsel for the respondents states that the adverse entry recorded in the CR of the applicant has already been set aside by the Chief of the Army Staff and only the question relating to promotion of the applicant to the higher post remains to be adjudicated which learned counsel for the applicant admits.</p> <p>Since the promotion matter is not before this Court, as such list this case on 3.11.2014 before the Court concerned having jurisdiction on the promotion matters.</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. 88 of 2013 with M.A. No. 1341 of 2014**

**Birender Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant, and Mrs. Veera Bahadur Srivastava, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>This Misc. Application No. 1341 of 2014 has been filed by the applicant for amending the prayer clause after serving a copy of the same on learned counsel for the respondents on 8.10.2014.</p> <p>We have gone through the prayer clause, sought to be amended, and we find that it does not change the basic structure of the petition. Accordingly, Misc. Application No. 1341 of 2014 is allowed. Let amendment be incorporated within a week.</p> <p>As prayed, list on 20.1.2015 for admission before the Court concerned having jurisdiction 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><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>On call of the case a person claiming himself to be Anand Kumar Srivastava, applicant, appeared and stated that his counsel is on the way from Allahabad to Lucknow but could not reach Lucknow yet. He, therefore, prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 22.1.2015 before the Court concerned having jurisdiction 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. 115 of 2011**

**Hayder Shah**

By Legal Practitioner for Applicant

Applicant

Versus

**CO Adm Bn, AMC Centre Lucknow**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Satyendra Singh, Departmental Representative.</p> <p>While going through the record and hearing learned counsel for the parties it comes out that the applicant, who was a Soldier and was doing his duties in Jammu &amp; Kashmit, had gone on sanctioned leave from 3.9.2002 to 22.9.2002 but after expiry of leave period he did not report for duty. He, however, surrendered/reported to AMC Centre, Luckow, on 22.11.2002. Accordingly SCM proceedings were held and he was summarily tried and granted 60 days' simple imprisonment and dismissal from service having found guilty of the charge.</p> <p>Learned counsel for the applicant has based his arguments on two folds, viz. (a) that the applicant should not have been tried by AMC Centre, Lucknow, since his parent unit was at Jammu &amp; Kashmir, rather the applicant ought to have been forwarded to his parent unit at J &amp; K.; (b) that the punishment for 60 days' simple imprisonment and dismissal from service awarded only for</p>



overstaying of the leave period is too harsh and, therefore, it has been prayed that the order dated 24.4.2003 be set aside and the applicant be reinstated in service and he be granted all his back wages and consequential benefits in accordance with law.

List this case for further hearing on 23.1.2015 before the Court concerned having jurisdiction of that date. On that date the record of the SCM proceedings shall also be produced before this Court by the respondents.

(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. 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><b><u>27.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></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. Satyendra Singh, departmental Representative.</p> <p>We have noticed that this case has not yet been admitted.</p> <p>Learned counsel for the applicant states that he is not prepared with the case. He, therefore, prays for adjournment of the case. Accordingly, this case is adjourned for the day.</p> <p>As prayed, list this case on 7.1.2015 for admission before the Court concerned having jurisdiction of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**O.A.(A). No. 86 of 2014**

**Rajan Singh Rajput**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, 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.</p> <p>Accordingly, Original Application (A) No. 86 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**

**M.A. No. 1202 of 2014 with M.A. No. 1312 of 2014**

**Poonam Devi**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Parijaat Belaura, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>List has been revised. Learned counsel for the applicant prays that the case be adjourned. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 22.12.2014 before the Court concerned 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. 310 of 2013 with M.A. No. 1215 of 2014**

**Piyoosh Kumar Singh Parmar**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, Shri Mukund Tewari., learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On the list being revised, Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and prayed for adjournment of the case. Accordingly, the case is adjourned for the day.</p> <p>As prayed list on 29.1.2015 before the Court concerned 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. 47 of 2014**

**Hardev Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Capt. Priti Tyagi, 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.</p> <p>Accordingly, Original Application No. 47 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. No. 126 of 2014 with M.A. No. 692 of 2014**

**Suman Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rahul Mishra, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p><b><u>Misc. Application No. 692 of 2014.</u></b></p> <p>This application has been field by the applicant for grant of bail during pendency of the Original Application No. 126 of 2014.</p> <p>The fact of the case, in brief, is that the applicant has been convicted in SGCM under Section 354 I.P.C. for 7 years' R.I. He has also been dismissed from service.</p> <p>We have seen the statement of P.W. 5 ie. the victim, about the incident which took place on 10.5.2012 and the statement of P.W. 6 and other witnesses including the statement of accused applicant speaks in volume. The applicant is in jail since 28.12.2013.</p> <p>We do not find it a fit case to release the applicant on bail Accordingly, Misc. Application No. 692 of 2014 is hereby rejected.</p> <p><b><u>Original Application No. 126 of 2014.</u></b></p> <p>Heard learned counsel for the parties on the question of</p>

admission of this Original Application.

We have gone through the proceedings and it comes out that on the commission of offence under Section 354 IPC the applicant has been sentenced to 7 years' R.I. and dismissal from service in SGCM.

Learned counsel for the applicant states that the evidence on record have not been properly appreciated and evaluated. He further submits that the statement of the prosecutrix has not been duly supported by medical evidence.

Admit.

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

List on 21.1.2015 before the Court concerned 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. 269 of 2010**

**Narayan Prasad Chamar**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Shivam Sharma, learned counsel for the applicant, Ms. Deepti Prasad Bajpai, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Ms. Deepti Prasad Bajpai states that she received a signal from AMC Records wherein the correct address of respondent no. 5 is mentioned. The signal produced by Ms. Deepti Prasad Bajpai is taken on record.</p> <p>Issue notice to respondent no. 5, returnable at an early date.</p> <p>List this case after service of notice upon respondent no. 5 in the month of January, 2015 before the Court concerned 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. 58 of 2013 with M.A. No. 1028 of 2014**

**Ex Major P Raghvan**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>List has been revised. No one appears to press this application, neither there is any request to pass over/adjourn the case.</p> <p>Accordingly, Misc. Application No. 1028 of 2014 and Transferred Application No. 58 of 2013 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**

**O.A. No. 245 of 2011**

**Pal Jaswant**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant, Ms. Deepti Prasad Bajpai, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri V.P. Pandey, learned counsel for the applicant, prays that this case be adjourned since he is not prepared with the brief. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list this case on 28.1.2015 before the Court concerned 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. 225 of 2012**

**Arjun Singh Guleria**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On the list being revised, Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and prayed for adjournment of the case. Accordingly, the case is adjourned for the day.</p> <p>As prayed list on 29.1.2015 before the Court concerned 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. 347 of 2010**

**Bishwambhar Dayal**  
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><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, Shri B.P.S. Chauhan, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>List has been revised. Heard learned counsel for the applicant in this Transferred Application which has been transferred from the Allahabad High Court and has been registered as T.A. No. 347 of 2010.</p> <p>In this case counter and rejoinder affidavits have been exchanged.</p> <p>It has been argued by Shri Mishra that the applicant has been convicted under Section 354 I.P.C. in SCM and sentenced to six months ' R.I. and dismissal from service.</p> <p>After hearing learned counsel for the applicant and going through the record, we admit this Transferred Application.</p> <p>Since counter and rejoinder affidavits have already been exchanged in this case, list for hearing on 2.2.2015 before the Court concerned 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. 84 of 2012**

**Narendra Kumar Rana**

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><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On the list being revised, Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and prayed for adjournment of the case. Accordingly, the case is adjourned for the day.</p> <p>This case has been transferred from the Lucknow Bench of the Allahabad High Court and renumbered as T.A. No. 84 of 2012. While going through the order-sheets we find that this petition has been dismissed for default by the Allahabad High Court on 23.7.2001 but no where it is mentioned that the case has been restored. Learned counsel for the applicant is directed to check the record and, if necessary, take necessary step in this regard.</p> <p>As prayed, list on 3.2.2015 before the Court concerned 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. 114 of 2012**

**Dinesh Prasad Tewari**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri O.P. Kushwaha, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On the list being revised Shri O.P. Kushwaha, learned counsel for the applicant, appeared and stated that in this case some other counsel from Allahabad High Court will appear and argue the case. He, therefore, prays that the matter be adjourned. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list this case on 4.2.2015 before the Court concerned 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. 35 of 2014**

**(Inre : O.A. No. 226 of 2013 & EX-A No. 115 of 2013)**

**Ram Pal**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri S.K. Singh, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>The present Execution Application No. 35 of 2014 arises out of the judgment and order dated 8.10.2012 passed by this Tribunal in T.A. No. 1484 of 2010 whereby conviction and sentence of the applicant including sentence of dismissal from service was set aside and the applicant was acquitted.</p> <p>Later on in O.A. No. 226 of 2013 it was ordered on 5.8.2013 to decide the applicant's petition in which prayer was made that since his conviction and sentence has been set aside in the aforesaid T.A. No. 1484 of 2010 on 8.10.2012 as such he be reinstated in service along with consequential benefits, but the same was not decided. This Court, therefore, on 5.8.2013, directed to decide his representation.</p> <p>Even thereafter, since the representation of the applicant could not be decided the applicant filed Execution Application No. 115 of 2013 and this Court while disposing of this Execution Application No.</p>



115 of 2013 directed the respondents to reinstate the applicant forthwith in view of the aforementioned judgment and order passed in T.A. No. 1484 of 2010 within a period of two months.

Now fresh Execution Application No. 35 of 2014 has been filed. While arguing this Execution Application learned counsel for the applicant produced a letter dated 21.9.2014 issued by the Senior Record Officer for OIC Records, which is taken on record. Through this letter dated 21.9.2014 the Senior Record Officer informed the applicant that *“In compliance with the Hon’ble Armed Forces Tribunal Regional Bench Lucknow Order dated 08 Oct 2012 passed in TA No 1484/2010 (WP 1220/2009), THE Adjutant General has accorded sanction to set aside your conviction and sentence including sentence of dismissal from service. You are acquitted and reinstated in service. Hence, you are hereby directed to report to DSC Centre, Cannanore forthwith .....*”

We are constrained to observe that the language of the letter dated 21.9.2014 has not been happily used. It gives impression that the Adjutant General has accorded sanction on his own to set aside conviction and sentence including sentence of dismissal from service after sitting over the aforementioned judgment and order of this Tribunal.

This Court is taking serious cognizance of the language used by the Senior Record Officer. The Adjutant General and the Senior Record Officer are, therefore, cautioned that they be careful in future in writing such derogatory letters which may give impression that the Adjutant General can sit over the judgment and order of the Court.

Let a copy of this order along with copy of the letter dated 21.9.2014 of the Senior Record Officer for OIC Records be forwarded to the Chief of the Army Staff for his information and necessary action and for issuing necessary guidelines to the officers concerned, under his control, that none of the officers can sit over the judgment and

order of the Court.

The Registry of this Court is directed to take follow up action immediately.

List this case again for further hearing on 5.11.2014.

(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. 161 of 2012**

**Amit Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri V.A. Singh, learned counsel for the applicant, Shri D.K. Pandey, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p><b><u>Misc. Application No. 887 of 2014.</u></b></p> <p>This is an application for amendment in the prayer clause of the appeal. We have gone through the application and are of the view that by amending the prayer clause does not change the nature of the appeal. Accordingly, Misc. Application No. 887 of 2014 is allowed. Let necessary amendments be incorporated in the memo of appeal within a week.</p> <p>List this Appeal for admission on 19.12.2014 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A) PG.</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**O.A. No. 438 of 2012**

**Rakesh Kumar Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Yash Pal Singh, learned counsel for the applicant, Shri Rajesh Kumar, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri Yash Pal Singh, learned counsel for the applicant, states that the matter pertains to discharge from service of the applicant. He, therefore, prays that this case be listed before the appropriate Court.</p> <p>Accordingly, we direct that this case be listed before the Court concerned, having jurisdiction as per roster, on 16.10.2014.</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. 94 of 2014**

**Gyanendra Kumar Mishra**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri S.K. Mishra, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri S.K. Mishra, learned counsel for the applicant, states that he intends to file rejoinder affidavit and prays time to file the same. As prayed, three weeks' time is granted to file rejoinder affidavit.</p> <p>List this case on 27.1.2015 before the Court concerned 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. 144 of 2014**

**Col Pramod Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Col. R.N. Singh (Retd.), learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Col. R.N. Singh (Retd.), learned counsel for the applicant states that this case relates to promotion of the applicant and, as such, this case has been wrongly listed before this Court today.</p> <p>As prayed, list this case on 29.10.2014 before the Court concerned having jurisdiction as per roster.</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. 17 of 2010**

**Parikarma Prasad**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi., learned counsel for the applicant, Shri Prakhar Kankan, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Learned counsel for the respondents states that the objection to the substitution application is ready. He, therefore, prays for and is granted a day's time to file the same before the Registry of this Court.</p> <p>As prayed by learned counsel for the applicant, list this case on 15.1.2015 before the Court concerned 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. 15 of 2013**

**Sindhu Sahu**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Dileep Singh, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case in the revised list no one appeared for the applicant nor the legal heirs of the applicant are present in Court. Office report dated 10.9.2014 indicates that the notices issued to the legal heirs of the applicant have been served. Original acknowledgement receipts, regarding service of notices, are placed on record.</p> <p>Accordingly, since no one appeared for the applicant, this Transferred Application No. 15 of 2013 is dismissed for non-prosecution.</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. 211 of 2010**

**Shyam Kumar**

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><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Aggrieved against the SCM held from 12.1.2008 to 15.1.2008 the applicant has filed this Original Application with the prayer to set aside the findings and sentence of dismissal and four months' R.I. in civil custody of the applicant by SCM held from 12.1.2008 to 15.1.2008 and to reinstate the applicant in service to allow him to complete his terms of engagement of service.</p> <p>From the charge-sheet it emerges out that the applicant received a cheque of State Bank of India bearing machine number 474003 dated 24.2.2006 for Rs. 9,000/- and manipulated the amount by changing it to Rs. 3,90,000/- for his benefit.</p> <p>It is, therefore, necessary that the said cheque and the record of SCM are placed before this Court for perusal on the next date.</p> <p>As prayed, list for further hearing on 21.1.2015 before the Court concerned 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. 155 of 2012**

**V.K. Pant**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: S/Shri Rajiv Manglik &amp; Rakesh Johri, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>This Original Application has been filed by the applicant aggrieved against the action of the respondents with regard to holding of GCM being non est in the eye of law for the reason that it is barred by limitation as provided under Section 122 of the Army Act and therefore, according to learned counsel for the applicant, the Commanding Officer should first decide the issue of limitation before framing of charges and putting forward the applicant for facing GCM. Learned counsel for the applicant also referred to judgments of this Tribunal as well as Hon'ble apex Court with respect to interpretation of Section 122 of the Army Act. The learned counsel opposed the contention of the respondents that the period of limitation be counted from 01.03.2011. He said since the alleged offences were committed between 22.05.2003 and 15.07.2006, and, therefore, the period of limitation be counted from 15.07.2006.</p> <p>The applicant had filed T.A. No. 04 of 2009 in which this Tribunal in its order passed on 22.04.2010 had held :-</p> <p><i>"It is well settled the limitation is not a pure question of law</i></p>

*but it is a mixed question of fact and law and evidence is required to be led upon the point. In the absence of evidence upon the point, it is not appropriate at this stage to record any finding on the question of limitation. The said plea can be taken under Army Rule 53 (plea in bar for the trial).”*

The learned counsel for the applicant cited the case of **Rajvir Singh** decided by the Hon’ble Supreme Court in Civil Appeal No. 2107 of 2012 arising out of S.L.P. (Civil) No. 26892 of 2011 in which the appellant (Rajvir Singh) had challenged before the Armed Forces Tribunal the convening order passed by the convening authority on the plea that the trial was barred by limitation under section 122 of the Army Act. The Tribunal did not go into the merits of the case and dismissed the Original Application leaving it open to the appellant to raise his objection before the Court Martial which the appellant did by raising ‘plea in bar’ during the trial and which was upheld by the Court. The Confirming Authority did not confirm the order of the G.C.M. In this case, i.e. Civil Appeal No. 2107 of 2012, the Division Bench of the Hon’ble Supreme Court consisting of Hon’ble Mr. Justice Aftab Alam and Hon’ble Mr. Justice Chandramauli Kr. Prasad has observed :-

*“There is, therefore, no escape from the fact that the GOC-in-C, CC was in knowledge of the offence and the identity of the appellant as one of the alleged offenders on May 7, 2007. Reckoning from that date, the order passed by the GOC, MB Area, to convene the General Court Martial on August 23/26, 2010 is clearly beyond the period of three years and hence, barred in terms of section 122.”*

Army Rule 53 provides for raising of plea in bar at the time of trial. However, in the light of the order by the Hon’ble Supreme Court (supra), it emerges that at the time of passing an order for convening a G.C.M. the convening authority needs to take into account the fact of limitation under Army Act 122.

In the instant case, the stage of trial by G.C.M. has not been reached. In fact, no application for trial by G.C.M. could have been made since recording of the Summary of Evidence had been stayed by this Tribunal on

01.06.2012.

The authorities took cognizance of the alleged acts of the applicant on 01 March 2011 as indicated in the charges levelled against the applicant. If this fact is established, i.e. the date on which the authority competent to initiate action came to know of the acts by the respondents, the period of limitation will commence from 01 March 2011. Recording of Summary of Evidence was stayed on 01.06.2012 and continues to be so till date. Hence, this period between 01.06.2012 and today is to be discounted from the period of limitation which is three years. Subsequent to the completion of investigation, should the Competent Authority decide to convene a G.C.M. he must take into account the issue of limitation order under Section 122 of the Army Act.

The stay on recording of Summary of Evidence is hereby vacated. Without further entering into the merits of the case, we hereby dispose of this Original Application finally with the direction to the respondents to take into account the issue of limitation under Section 122 of the Army Act before the G.C.M. is convened. In doing so the period of 'stay' of recording of Summary of Evidence will be discounted. In the event the G.C.M. is convened, as in the opinion of the Convening Authority the trial would be within the period of limitation, the applicant has the liberty to raise plea in bar as pointed in the Army Rule 53.

(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.(A). No. 279 of 2013 with M.A. No 1235 of 2014**

**Manoj Kumar Sharma**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, Ms. Veera Bahadur Srivastava, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>List this case on 22.1.2015 before the Court concerned 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. 537 of 2010**

**Birpal Singh Yadav**

Applicant

By Legal Practitioner for Applicant

Versus

**Chief of Army Staff & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Col. Ashok Kumar (Retd.), learned counsel for the applicant, Shri B.P.S. Chauhan, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that this case pertains to promotion of the applicant and this case has been wrongly listed before this Court today.</p> <p>Accordingly, list this case before the appropriate Court, having jurisdiction as per roster, on 15.10.2014.</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. 1273 of 2010**

**Santosh Kumar Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>09.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.R. Tripathi, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri P.R. Tripathi, learned counsel for the applicant, states that he is not prepared with the brief and prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 23.1.2015 before the appropriate Court having jurisdiction 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**

**DY-No. 1639 of 2014**

**Manoj Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri Shailendra Kumar Singh states that he intends to file an application for condoning the delay in filing the Original Application. He prays for and is granted one week's time to file the same.</p> <p>List on 5.11.2015.</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. 54 of 2013 with M.A. No. 815 of 2014 & M.A. No. 1233 of 2014**  
**(Inre: O.A. No. 101 of 2010)**

**Raghunath Tripathi**  
In person

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Raghunath Tripathi, applicant, and Shri A.K. Singh, learned Standing Counsel.</p> <p><b><u>Misc. Application No. 1233 of 2014.</u></b></p> <p>The applicant has moved this application seeking permission from this Court to implead the Chief Manager, State Bank of India, CPPC, State Bank of India, 4 Kutchery Road, Allahabad, as respondent since, as claimed by the applicant, who is appearing in person, the bank has paid much less amount to the applicant than the amount mentioned in the P.P.O. According to the applicant the bank has no authority on law to detain part of the amount, mentioned in the P.P.O., on their own.</p> <p>There is substance in the argument of the applicant.</p> <p>Accordingly, Misc. Application No. 1233 of 2014 is allowed. The applicant is permitted to implead, within a weeks, the Chief Manager, State Bank of India, CPPC, State Bank of India, 4 Kutchery Road, Allahabad, as respondent no. 8, being necessary party.</p> <p>Issue notice to newly added respondent no. 8, who may file</p>

counter affidavit within six weeks.

List this case for orders on 18.11.2014.

(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**

**Ex.A. No. 04 of 2014**  
**(Inre: O.A. No. 34 of 2013)**

**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><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: The applicant, Ram Chandra Tiwari, in person, and Capt. Priti Tyagi, Departmental Representative.</p> <p>This Execution Application No. 4 of 2014 has been filed by the applicant for non-compliance of the judgment and order dated 19.9.2013, passed by this Tribunal in O.A. No. 34 of 2013 whereby partly allowing the O.A. the concerned authorities were directed to dispose of the statutory petition of the applicant dated 8.2.2012 within three months by passing a reasoned and speaking order.</p> <p>While going through the previous orders of this Court we find that sufficient time, i.e. more than one year, has been passed but the aforesaid judgment and order of this Tribunal has not been implemented by deciding the statutory petition of the applicant, preferred under Section 164 of the Army Act.</p> <p>The Departmental Representative apprised this Court today with respect to a Signal sent by the DJAG 33 Corps to the effect that since they are not in possession of legible copy of the SCM proceedings as such they are unable to give any advice on the petition</p>

preferred by the applicant under Section 164 of the Army Act and due to this reason the petition of the applicant could not be disposed of.

We are surprised to note that SCM proceedings and its record is in exclusive possession of the Army and as to how the compliance of the aforesaid judgment and order, passed by this Tribunal, has not yet been made by deciding the petition of the applicant under Section 164 of the Army Act merely on a flimsy pretext that legible copy of the SCM proceedings are not available with the 33 Corps.

Let notice be issued to Col. Virendra Mohan, DJAG 33 Corps, C/o 99 APO for his appearance before this Court on 26.11.2014 along with the record of SCM proceedings, copy of the petition preferred by the applicant under Section 164 of the Army Act and other relevant record available with the Department.

It is, however, clarified that if by the next date of listing of this case the statutory petition of the applicant, filed under Section 164 of the Army Act, is decided, Col. Virendra Mohan need not appear before this Court on date fixed.

List this case for orders on 26.11.2014 before the Court concerned 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. 387 of 2013**  
**(Inre: 1148 of 2010)**

**Manoj Kumar Pandey**  
By Legal Practitioner for Applicant

Applicant

Versus

**GOC Uttar Bharat Area & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, Shri Dileep Singh, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>This is a Review Application. It has wrongly been listed before the Court. Let the Review Application be placed by circulation as provided under Rule 18(3) of the Armed Forces Tribunal (Procedure) Rules, 2008.</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. 83 of 2014 with M.A. No. 1122 of 2014 & M.A. No. 1123 of 2014  
(Inre: O.A. No. 243 of 2011)**

**Sgt Kesho Dubey**

By Legal Practitioner for Applicant

Applicant

Versus

**Air Chief Marshal Arup Raha, Chief of Air Staff & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri T.N. Tiwari, learned counsel for the applicant, and Shri A.K. Singh, learned Standing Counsel.</p> <p>Heard learned counsel for the parties.</p> <p>This Misc. Application No. 83 of 2014 has seen the light of the day for not complying the judgment and order dated 13.9.2013, passed by this Tribunal in O.A. No. 243 of 2011.</p> <p>As it comes out from the aforesaid judgment that while allowing the O.A. the respondents were directed to treat the applicant as substantive JWO right from 3.1.2008 and admit all the consequential benefits, as admissible under the Rules.</p> <p>Now it has been pleaded by learned counsel for the applicant that the respondents having treated the applicant as substantive JWO, as directed by this Tribunal in the aforesaid O.A. but are not providing the consequential benefits as admissible to him.</p> <p>However, in the reply, filed by the respondents, it has been claimed that the respondents have complied with the aforesaid judgment in its letter and spirit.</p>

The aforesaid claim of the respondents has been denied by the applicant in the affidavit filed along with Misc. Application No. 83 of 2014, filed today in Court indicating therein, in paragraph no. 8, that the applicant has not been considered for promotion to the rank of Warrant Officer and Master Warrant Officer inspite of he having been awarded highest marks in the year 2007, 2008 and 2009 respectively

Learned counsel for the applicant further submits that so far as the payment of CILQ is concerned, the applicant has received Rs. 31,664/- only but not the total amount. CILQ from 1.7.2014 to 30.9.2014 has not been paid to the applicant.

Let specific reply be filed by the respondents with respect to the following :

- (a) Whether CILQ from 1.7.2014 to 30.9.2014 has been paid to the applicant or not and if not then reason thereof.
- (b) Whether for considering the applicant for promotion on the post of Warrant Officer and then Master Warrant Officer the merit of the applicant and the ACR gradings obtained by him, as claimed by learned counsel for the applicant, had been taken into consideration or not.

List this case on 27.11.2014 before the Court concerned as per roster of that date.

Learned Standing Counsel states that he intends to file supplementary affidavit. He may do so by the next date of listing.

(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. 82 of 2014**

**Yogesh Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri T.N. Tiwari, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>The name of Ms. Deepti Prasad Bajpai has been shown as counsel for the respondents, but on call of the case she is not present.</p> <p>Capt. Priti Tyagi prays for and is granted four weeks' time to file counter affidavit.</p> <p>List for orders on 27.11.2014.</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. 328 of 2010**

**Anand Kumar Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Chief of the Army Staff & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>This case has been wrongly listed before this Court.</p> <p>The matter is of discharge from service of the applicant.</p> <p>List the case on 28.10.2014, as per roster, before the Court concerned.</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. 123 of 2011**

**Rohit Mittal** Applicant  
By Legal Practitioner for Applicant

Versus

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rajiv Manglik &amp; Shri Rakesh Johri, learned counsel for the applicant, Shri D.K. Pandey, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>It comes out that the matter relates to GCM against the applicant wherein respondent no. 4, being a necessary party, was impleaded since certain allegations were levelled against him.</p> <p>Notice was issued to respondent no. 4 who happens to be an officer of DJAG at HQ 16 Corps, C/o 56 APO, to appear before this Court but neither he appear before this Court nor had filed any reply. As such, on 5.9.2014 fresh notice was issued to respondent no. 4. A copy of the said notice was also forwarded to the Chief of Staff, HQ 16 Corps, for necessary action, but of no avail.</p> <p>Finding no other option but to proceed against respondent no. 4 as per allegations levelled against him in the petition itself this Court is taking into consideration the reply filed by respondent no. 4 before the Uttaranchal High Court at Nainital.</p> <p>Further a serious allegation has been levelled against</p>

respondent no. 4 by learned counsel for the applicant to the effect that respondent no. 4 himself has provided a counsel to defend the accused applicant on the pretext that if the counsel of his choice will appear for the applicant then only the applicant can be acquitted from GCM proceedings.

Let fresh notice be issued to respondent no. 4 with a copy to the Chief of Staff, HQ 16 Corps, C/o 56 APO to ensure appearance of respondent no. 4 before this Court on the next date.

List this case on 9.12.2014 before the Court concerned as per roster on 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. 113 of 2012**

**Hira Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, Shri D.S. Tiwari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>It comes out from the pleadings that the applicant, who was convicted in GCM proceedings as far back as on 30.7.1990, was provided with the copies of GCM proceedings but the same has been lost by the applicant while he was shifted to Civil Jail, Varanasi.</p> <p>The applicant, by means of this Transferred Application has prayed that fresh copies of the GCM proceedings be directed to be supplied to him by the respondents.</p> <p>The question involved in this Transferred Application is short one and there will be no harm to direct the respondents to supply fresh copies of GCM proceedings in accordance with law, if available on the record of the respondents.</p> <p>The case, involving a short question, is pending since the year 1990 for disposal.</p>

In view of above, we allow this Transferred Application No. 113 of 2012 in part and direct the respondents to provide copies of the GCM proceedings, if available on the record, in accordance with law, within a period of three months from today. No order as to costs.

(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. 22 of 2013 with M.A. No. 1136 of 2014**

**Anil Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, prays for adjournment of the case since Shri P.N. Chaturvedi has not come to the Court. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 14.1.2015 before the Court concerned as per roster on 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. 48 of 2013**

**Digvijay Singh Bhadauria**  
In person

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Digvijay Singh Bhadauria, applicant, in person, Shri D.K. Singh, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard the applicant, who is appearing in person.</p> <p>The matter pertains to challenge of SCM proceedings initiated against the applicant. The main ground which has been taken by the applicant is to the effect that he was not afforded a Friend of Accused of his choice to assist him in the SCM proceedings as provided in Army Rule 129 although he named Lt. Col. R. Johri as his choice to assist him in the SCM proceedings. In defence, he also cited the judgment of the Hon'ble Allahabad High Court reported in 1993 AWC 883 (Union of India v. Rameshwar Mahato) whereby the Hon'ble High Court had taken into consideration Rule 129 of the Army Rules and had observed that the accused is entitled to have a Lawyer of his choice who may defend him in the SCM proceedings. The applicant also argued that by not allowing Friend of Accused of his choice in the SCM proceedings his valuable right under the</p>

provisions of the Army Act and Rules has been violated and, therefore, the SCM proceedings are vitiated.

In paragraph no. 7 of the counter affidavit it has been pleaded by the respondents that as per choice of the applicant Lt. Col. R. Johri was contacted on telephone but he declined to render his services as Friend of the Accused to defend the applicant in SCM proceedings but the applicant through letter dated 15.4.2003 requested for the same defence assistance or a legally qualified officer and, therefore, due to non-availability of legally qualified officer Nb. Sub. AT DK Singh was detailed by the respondents as Friend of the Accused for the trial to proceed.

In the rejoinder affidavit the applicant has specifically stated that Lt. Col. R. Johri was never contacted to assist the applicant during his trial by SCM.

We, therefore, direct the respondents to produce the aforesaid letter dated 15.4.2003, as indicated in paragraph no. 7 of the counter affidavit to enable this Court to ascertain whether there was any talk between the respondents and Lt. Col. R. Johri to assist as Friend of the Accused or not and as to whether the accused applicant was duly informed with respect to the same or not.

List this case for orders on 20.1.2015 before the Court concerned as per roster on that date.

Since the question in issue seems to be relevant, we admit this petition/Transferred Application.

(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. 284 of 2011**

**Niraj Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Chief of Army Staff & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Prakhar Kankan, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, prays for adjournment of the case since Shri P.N. Chaturvedi has not come to the Court. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 15.1.2015 before the Court concerned as per roster on 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. 87 of 2013**

**Kuldeep Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Chief of Army Staff & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R.S. Mishra, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, prays for adjournment of the case since Shri P.N. Chaturvedi has not come to the Court. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 16.1.2015 before the Court concerned as per roster on 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. 876 of 2010**

**R.B. Mishra**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>08.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri D.S. Tiwari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, prays for adjournment of the case since Shri P.N. Chaturvedi has not come to the Court. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 19.1.2015 before the Court concerned as per roster on 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**

**DY-No. 1116 of 2014 with EXA. No. 104 of 2013**

**Mithilesh Kumar Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Chief of Army Staff & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Rohit Kumar, learned counsel for the applicant, Ms. Veera Bahadur Srivastava, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Learned Standing Counsel states that she has received communication with respect to filing of counter affidavit on 9.5.2012 but she has not yet been able to file the counter affidavit. She prays for and is granted two weeks' time to file the counter affidavit after serving a copy of the same on learned counsel for the applicant, who may file rejoinder affidavit, if any, by the next date of listing.</p> <p>List on 28.11.2014 before the appropriate Court.</p> <p>.</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. 1291 of 2014 with M.A. No. 1292 of 2014  
(Inre M.A. No 329 of 2013 & O.A. No. 43 of 2011)**

**Kuldeep Chander Raina**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: P.N. Chaturvedi, learned counsel for the applicant, Ms. Veera Bahadur Srivastava, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p><b><u>Misc. Application No. 1291 of 2014.</u></b></p> <p>This is an application for condoning the delay in filing Misc. Application No. 1292 of 2014 for recall of the order dated 22.7.2014.</p> <p>As per office report, there is delay of 1 month and 8 days in filing of Misc. Application No. 1292 of 2014 for recall of the order dated 22.7.2014.</p> <p>We have gone through the affidavit filed in support of the delay condonation application and are of the opinion that the reasons shown in the affidavit appear to be genuine. Accordingly, Misc. Application No. 1291 of 2014 is allowed and the delay in filing Misc. Application No. 1292 of 2014 is hereby condoned.</p> <p><b><u>Misc. Application No. 1292 of 2014.</u></b></p> <p>We have gone through the affidavit filed along with Misc. Application No. 1292 of 2014 for recall of the order dated 22.7.2014,</p>

passed by this Court dismissing Misc. Application No. 657 of 2014 and O.A. No. 43 of 2011 for non-prosecution, and are of the opinion that the reasons shown therein for recall of the order dated 22.7.2014 seem to be genuine.

Accordingly, Misc. Application No. 1292 of 2014 is allowed and the order dated 22.7.2014 dismissing Misc. Application No. 657 of 2014 and O.A. No. 43 of 2011 for non-prosecution is hereby recalled. Both Misc. Misc. Application No. 657 of 2014 and O.A. No. 43 of 2011 are directed to be restored to its original number, provided learned counsel for the applicant deposits Rs. 1,000/- as cost to the AFT Bar Association within two weeks.

List this case before the appropriate Court on 12.1.2015.

When the case is next listed, the name of Ms. Veera Bahadur Srivastava, learned Standing Counsel, be shown as counsel for the respondents.

(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. 909 of 2014**

**Pradeep Kumar** Applicant  
By Legal Practitioner for Applicant  
Versus  
**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, Shri Rajesh Kumar, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri Rajesh Kumar stated that objection to the delay condonation application is almost ready and will be filed within two days.</p> <p>As prayed, two days' time is granted to learned counsel for the respondents to file objection to the delay condonation application.</p> <p>List on 17.11.2014 before the appropriate Court.</p> <p>.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) <span style="margin-left: 100px;">(Justice Abdul Mateen)</span> Member (A) <span style="margin-left: 100px;">Member (J)</span></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. 152 of 2011**

**Jitendra Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Col. Y.R. Sharma (Retd.), learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsels for the parties on this Original Application filed by the applicant, who is holding the post of Time Scale Colonel.</p> <p>By this Original Application the applicant has prayed for quashing the A.C.Rs. for the period from 1.6.1995 to 31.5.1996 and from 2.9.1996 to 4.4.1997 and also to quash the impugned orders rejecting the non-statutory and statutory complaints, contained in Annexures 'A-1(II)', 'A-1(V)' and 'A-1(VII)' in the Original Application as also for setting aside the results of Selection Board including final Review Board in respect of the applicant as communicated to him vide Annexures 'A-1(IV)' and 'A-1(VI)'.</p> <p>While going through the pleadings and annexures as also the reply of the respondents we find it quite amazing that a person holding such a high post had blundered to bring on record photo-copies of two</p>

A.C.Rs, annexed as Annexures 'A-1(I)' and 'A-1(III)' to the Original Application, which are confidential documents and should not be annexed with the Original Application thus making it open to public viewing since this act of the applicant simply falls within the parameter of Official Secret Act.

Learned counsel for the applicant states that inspite of the advice given to the applicant by him asking his client that he should not file these documents being confidential and against provisions of the Official Secret Act lest this Original Application be got dismissed, his client refused to do so. This conduct of the applicant is highly depreciable and a cost of Rs. 10,000/- is hereby imposed on the applicant to be deducted from the salary of the applicant by the authority concerned.

The authorities are also directed to look into the act of the applicant wherein he has annexed copies of the A.C.Rs. with the Original Application and take necessary action as deemed fit.

In view of above, this Original Application is dismissed at the admission stage itself.

Let a copy of this order be sent to the Chief of the Army Staff for necessary action.

(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. 209 of 2013 with M.A. No. 1006 of 2014**

**Hav Daroga Rai**

Applicant

By Legal Practitioner for Applicant

Versus

**Chief of Army Staff & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, Shri Ishraq Farooqui, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Learned counsel for the applicant prays for and is granted further three weeks' time to file rejoinder affidavit.</p> <p>List on 18.11.2014 before the appropriate Court.</p> <p>.</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. 315 of 2013**

**Sangram Singh Yadav**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, Shri Rajesh Kumar, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Counter and rejoinder affidavits have been exchanged in this case and the Original Application has already been admitted.</p> <p>List for hearing on 6.1.2015 before the Court concerned, as per roster.</p> <p>.</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. 124 of 2014**

**Prem Singh Negi**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>07.10.2014</u></b> <b><u>Hon’ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon’ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, Ms. Veera Bahadur Srivastava, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Learned Standing Counsel states that counter affidavit is almost ready and needs some time to file the same. She, therefore, prays for and is granted two weeks’ time to file counter affidavit.</p> <p>As prayed, list on 21.11.2014 before the appropriate Court.</p> <p>.</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. 210 of 2010**

**AK Chatterjee** Applicant  
By Legal Practitioner for Applicant

Versus

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: P.K. Shukla, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri Shukla states that he intends to file rejoinder affidavit in this case. He, therefore, prays for and is granted three weeks' time to file rejoinder affidavit.</p> <p>As prayed, list on 8.1.2015 before the appropriate Court.</p> <p>.</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. 216 of 2013**

**Awadesh Kumar Chaubey**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p style="text-align: center;">Present: Abhishek Bose, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p style="text-align: center;">List on 24.11.2014 before the appropriate Court.</p> <p style="text-align: center;">.</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**

**O.A.(A). No. 99 of 2014**

**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><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: P.N. Chaturvedi, learned counsel for the applicant, Shri Ishraq Farooqui, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Learned Standing Counsel prays for and is granted six weeks' time to file counter affidavit.</p> <p>List for admission on 25.11.2014.</p> <p>.</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 with M.A. No. 961 of 2014**

**Vinay Kumar**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Vineet Sharma holding brief of Shri S.P. Singh, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri Vineet Sharma states that he intends to file supplementary rejoinder affidavit to the supplementary counter affidavit. He, therefore, prays for and is granted three weeks' time to file supplementary rejoinder affidavit.</p> <p>List on 7.1.2015 before the appropriate Court.</p> <p style="text-align: center;">.</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**

**T.A. No. 780 of 2010**

**Mangal Saran**

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><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Ms. Suman holding brief of Shri P.D. Verma, learned counsel for the applicant, Shri Dileep Singh, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Ms. Suman prays that the case be adjourned since Shri P.D. Verma, learned counsel for the applicant, has not come to this Court. Accordingly, this case is adjourned for the day.</p> <p>As prayed, list on 8.1.2015 before the appropriate Court.</p> <p>.</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. 1459 of 2010**

**Ram Naresh Ram**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: P.K. Shukla, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri Mukund Tewari states that supplementary counter affidavit is to be filed as per observation of this Court dated 20.9.2012. He, therefore, prays for and is granted three days' time to file the same.</p> <p>List on 8.12.2014 before the appropriate Bench.</p> <p>.</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. 211 of 2011**

**Smt. Pramita**

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><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, Ms. Veera Bahadur Srivastava, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that in this case judgment was reserved on 25.2.2014 by the Bench consisting of Hon'ble V.K. Dixit, Member (J) and one of us (Hon'ble Lt. Gen. A.M. Verma, Member (A)) and, as such, the matter is tied up before that Bench.</p> <p>We have also gone through the record and not find any order either with respect to release of the case by that Bench or a direction for listing this case before some other Bench.</p> <p>Accordingly, we direct that this case be listed before the Bench concerned on 9.1.2015.</p> <p>.</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. 1103 of 2010**

**RN Mishra**  
In person

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p style="text-align: center;">On call of the case Shri V.P. Pandey, Advocate, appeared and informed the Court that the applicant, who is appearing in person in this case, has not come to this Court since he is ill and is admitted to a hospital at Allahabad. Shri Pandey, therefore, prays that the case be adjourned. Accordingly, the case is adjourned for the day.</p> <p style="text-align: center;">As prayed by Shri Pandey, list the case on 13.1.2015 before the Court concerned, in accordance with the roster.</p> <p style="text-align: center;">.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**T.A. No. 1271 of 2010**

**Raj Kumar**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, Shri Mukund Tewari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri Chaturvedi states that he intends to argue the matter at length and, therefore, prays time to prepare the brief.</p> <p>As prayed, list on 9.1.2015 before the Court concerned.</p> <p>.</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. 1297 of 2010**

**Chaudhary Shiv Das Sahib Rao**  
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><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri Rohit Kumar, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p style="text-align: center;">Learned counsel for the applicant prays that this case be listed before the Court concerned as per roster, since it relates to discharge from service, in the week commencing 27.10.2014.</p> <p style="text-align: center;">Accordingly, list this case before the Court concerned in the week commencing 27.10.2014.</p> <p style="text-align: center;">.</p> <table style="width: 100%;"><tr><td style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</td><td style="text-align: center;">(Justice Abdul Mateen) Member (J)</td></tr></table> <p>PG.</p>	(Lt. Gen A.M. Verma) Member (A)	(Justice Abdul Mateen) Member (J)
(Lt. Gen A.M. Verma) Member (A)	(Justice Abdul Mateen) Member (J)		

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**T.A. No. 75 of 2011**

**Ashok Kumar**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>07.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, Shri Ashutosh Kumar Srivastava, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>This case has been listed for hearing. Learned counsel for the applicant states that he is not prepared with the brief. He, therefore, prays for time to prepare the brief.</p> <p>As prayed, list on 8.1.2015 before the appropriate Court.</p> <p>.</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. 980 of 2014**

**Asha Ram**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, Shri D.S. Tiwari, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri P.N. Chaturvedi, learned counsel for the applicant, states that the delay condonation application is ready but could not be sworn. He, therefore, prays a week's time to file the same to make good the defects, as pointed out by the Registry. Time prayed for is allowed.</p> <p>List on 10.11.2014 before the appropriate Bench.</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. 896 of 2014 with M.A. No. 897 of 2014**  
**(Inre: T.A. No. 364 of 2010)**

**Hari Baboo Nishad**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></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 Shailendra Kumar Singh, learned counsel for the applicant, Shri D.K. Pandey, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p><b><u>Misc. Application No. 896 of 2014.</u></b></p> <p>This is an application for condoning the delay in filing Misc. Application No. 897 of 2014 for recall of the order dated 26.7.2012, passed by the Court consisting of the then Hon'ble Janardan Sahai, Member (J) and Hon'ble Lt. Gen. P.R. Gangadharan, Member (A), dismissing the Transferred Application No. 364 of 2010 in default.</p> <p>The reasons shown in the affidavit accompanying the delay condonation application seems to be genuine. Accordingly Misc. Application No. 896 of 2014 is allowed and the delay in filing the recall application is hereby condoned.</p> <p><b><u>Misc. Application No. 897 of 2014.</u></b></p>

This is an application for recall of the order dated 26.7.2012, passed by the Court consisting of the then Hon'ble Janardan Sahai, Member (J) and Hon'ble Lt. Gen. P.R. Gangadharan, Member (A), dismissing the Transferred Application No. 364 of 2010 in default.

Heard learned counsel for the parties.

We have gone through the affidavit filed along with the recall application and are of the opinion the reasons shown for recall of the order dated 26.7.2012 seems to be genuine.

Accordingly, Misc. Application No. 897 of 2014 is allowed and the order dated 26.7.2014, passed by the Court consisting of the then Hon'ble Janardan Sahai, Member (J) and Hon'ble Lt. Gen. P.R. Gangadharan, Member (A), dismissing the Transferred Application No. 364 of 2010 is hereby recalled. The Transferred Application is hereby restored to its original number, provided the applicant deposits Rs. 500/- as cost within one month from today in the Bar Association of the Armed Forces Tribunal. List thereafter.

(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. 33 of 2010**

**Kalindi Dwivedi**  
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><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, Shri D.K. Pandey, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>This case has been wrongly listed. In this case arguments were concluded and judgment was reserved on 12.8.2014 by the Hon'ble Bench consisting of Hon'ble V.K. Dixit, Member (J) and Hon'ble Lt. Gen. Anand Mohan Verma, Member (A). Thereafter this case was directed to be listed by that Bench on 23.9.2004 for further arguments.</p> <p>The office is, therefore, directed to list the case before the appropriate Bench.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</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 Army Staff & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri V.K. Pandey, learned counsel for the applicant, Shri R.S. Mishra, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p style="text-align: center;">As stated by learned counsel for the applicant, the matter relates to promotion of the applicant.</p> <p style="text-align: center;">Accordingly, list this case before the appropriate Bench, having jurisdiction, on 10.10.2014.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>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><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Power file by Shri P.N. Chaturvedi, Advocate, on behalf of the applicant is taken on record.</p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Capt. Priti Tyagi, Departmental Representative.</p> <p>The matter relates to SGCM.</p> <p>Learned counsel for the applicant states that he intends to inspect the record and prays for adjournment. Accordingly the case is adjourned for the day.</p> <p>As prayed, list on 2.12.2014 before the appropriate Court showing also the name of Shri P.N. Chaturvedi as learned counsel for the applicant.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>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**

**R.P. 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><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, Ms. Deepti Prasad Bajpai, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>The Bench copy of this Transferred Application is not on record. Learned counsel for the applicant states that he has filed the Bench copy before the Registry.</p> <p>Office is directed to place the Bench copy of this T.A. on record, if the same has been received by the office. If it is not available, learned counsel for the applicant shall supply Bench copy within a month.</p> <p>List on 20.11.2014 before the appropriate Bench.</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. 402 of 2011**

**Dinesh Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Maj. R.D. Singh (Retd.), learned counsel for the applicant, Shri Prakhar Kankan, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant list this case on 5.1.2015.</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. 408 of 2012**

**Rakesh Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, Shri Rajesh Kumar, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Learned counsel for the applicant states that copy of summary of evidence as well as charge-sheet has not been given to the applicant and in absence of which he is facing difficulty to prepare the case. In rebuttal the stand taken by the respondents through their counter affidavit is that both the above documents were handed over to the applicant, which were duly received by him on 23.4.2012.</p> <p>Further learned counsel for the applicant also states that Rules 34 and 37 of the Army Rules have not been complied with in the case of the applicant.</p> <p>However, as it comes out from the argument of learned counsel for the applicant that the applicant is anyhow not in possession of the copies of summary of evidence and charge-sheet..</p> <p>The respondents are, therefore, directed to provide the above</p>

two documents with an affidavit to learned counsel for the applicant within a period of three weeks to enable learned counsel for the applicant to argue the case.

List on 2.12.2014 before the appropriate Court.

(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.(A). No. 01 of 2013 with M.A. No 951 of 2014**

**Anil Kumar**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri V.A. Singh, learned counsel for the applicant, Shri Ishraq Farooqui, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This case relates to SCM of the applicant who had overstayed while on leave from 12.4.2009 to 22.5.2009 but, thereafter he overstayed and ultimately surrendered on 29.7.2011.</p> <p>As it comes out that the applicant overstayed after 22.5.2009 upto 20.10.2010 on which date he reported at Transit Camp, Chandigarh.</p> <p>It has been pleaded by learned counsel for the applicant that when the applicant reported before the Transit Camp, Chandigarh, he was directed to report at the Depot Regiment Corps of Signal, Jabalpur. The applicant accordingly reported at the Depot Regiment Corps of Signal, Jabalpur, on 29.7.2011 and submitted all his medical documents as well as police verification report.</p> <p>It comes out from the record that except the certificate of Dr.</p>

U.N. Choudhary and the Psychological Testing Report of Dr. M. Jalal no further document regarding the treatment meted out by the applicant has been filed.

Further we find that there is nothing on record to indicate that the applicant was mentally ill and was earlier treated at Ranchi Mental Hospital, Ranchi.

Learned counsel for the applicant states that the applicant deposited all the necessary documents before the Depot Regiment Corps of Signal at Jabalpur in his defence to show that he was mentally ill and due to which he overstayed after expiry of his leave period.

On the contrary, learned counsel for the respondents states that there is nothing on the record with the respondents as to whether the applicant was being mentally treated for his ailment at Ranchi Mental Hospital.

At this juncture, after hearing learned counsel for the parties, we direct the applicant's counsel to indicate in the form of an affidavit of the applicant explaining his absence from 20.10.2010 to 29.7.2011 when he reported at the Depot Regiment Corps of Signal at Jabalpur. The respondents shall lalso bring on record the documents with respect to the medical ailment of the applicant which, as stated by the applicant, were deposited at the Depot Regiment Corps of Signal at Jabalpur within a period of six weeks.

List on 1.12.2014 before the appropriate Bench.

(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. 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><b><u>01.10.2014</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Shri Vikash Kumar Agrawal, learned counsel for the applicant, Shri R.S. Mishra, learned Standing Counsel, and Capt. Priti Tyagi, Departmental Representative.</p> <p>Shri Vikash Kumar Agarwal, learned counsel for the applicant, states that the matter be adjourned to enable Shri Anuj Kudesia, Advocate, who has also filed his power in this case but his name has not been shown in the cause list, to argue the case.</p> <p>This is a case of reversion of the applicant in SCM from the post of Havildar to Sepoy</p> <p>List this case on 3.12.2014 showing also the name of Shri Anuj Kudesia as learned counsel for the applicant.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

