

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**M.A. No. 1734 of 2014 with M.A. No. 1735 of 2014**

**(Inre: T.A. No. 944 of 2010)**

**Chief of Army Staff & Others**

By Legal Practitioner for Applicants

Applicants

Versus

**Atmaram Dwivedi**

By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2015</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 applicant, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard Shri D.K. Pandey, learned counsel for the applicant on Misc. Application No. 1734 of 2014, filed under Section 5 of the Limitation Act for condoning the delay in filing Misc. Application No. 1735 of 2015 under Section 31(2) of the Armed Forces Tribunal Act, 2007 for granting leave to the applicant to prefer an appeal under Section 31(1) of the A.F.T. Act, 2007.</p> <p>This Misc. Application No. 1734 of 2014 for condoning the delay in filing the application for leave to appeal has been filed by the applicant.</p> <p>As per office report, the application for leave to appeal is delayed by 10 days.</p>

As per provisions of Section 31(2) of the Armed Forces Tribunal Act, 2007 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.

There is a specific rider under Section 31(2) of the Armed Forces Tribunal Act which provides that “*An appeal to the Supreme Court shall lie with the leave of the Tribunal; and such leave shall not be granted unless it is certified by the Tribunal that a point of law of general public importance is involved in the decision, or it appears to the Supreme Court that the point is one which ought to be considered by that Court.*”

The application itself is beyond time. Apart from it , while going through the judgment against which leave to appeal has been prayed we do not find any point of law of general public importance is involved in the judgment for granting leave to file appeal before the Hon’ble Supreme Court.

Accordingly, we hereby reject Misc. Application No. 1734 of 2014 for condonation of delay.

Since the application for condonation of delay has been rejected, in consequence thereof the application 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. 1818 of 2014**

**Lt Col Nardeep Singh Panjra**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondent s

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2015</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 Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>This Original Application is supported with an application under Section 5 of the Limitation Act.</p> <p>As per office report there is delay of 5 months and 20 days in filing the Original Application.</p> <p>On query having been made about Annexure 'A-6' at page 30 of the paper book which deals with the statutory complaint against non-empanelment in No. 3 SB, learned counsel for the applicant admitted that the said statutory complaint has already been decided. Pages 32 onwards of Annexure 'A-6' relates to ACR given to the</p>

applicant by the respondents. Thus, there seems to be some inconsistency in between pages 30, 31 and 36 of that Annexure.

Learned counsel for the applicant prays for and is granted two weeks' time to address the Court and to verify the documents.

List this case on 20.2.2015 for admission before the appropriate Bench having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)  
Member (J)

PG.

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**M.A. No. 136 of 2015 with M.A. No. 137 of 2015**  
**(Inre: T.A. No. 90 of 2012)**

**Bhagwat Pandey**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.01.2015</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 Angad Shukla, learned counsel for the applicant, and Shri Mukund Tewari, 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 aggrieved against the judgment and order dated 2.5.2013 passed by this Tribunal in T.A. No. 90 of 2012 this M.A. No. 137 of 2015, for leave to appeal, has been moved by the applicant on 2.5.2013 under Section 31(1) of the A.F.T. Act, 2007 with the prayer to grant leave to the applicant to file SLP before the Hon'ble Supreme Court after condoning the delay in filing M.A. No. 137 of 2015.</p> <p>As per office report there is delay of 1 year, 7 months and 26 days in</p>

filing M.A. No. 137 of 2015.

Section 31(2) of the A.F.T. Act, 2007 specifically bars to grant leave if the application is filed beyond the period of thirty days beginning with the date of the decision of the Tribunal.

Since the application for leave to file SLP before the Hon'ble Supreme Court has been filed much beyond the period of limitation and the reasons mentioned therein are not germane so as to grant leave to appeal under Section 31 of the Act and neither we find any point of law of general public importance is involved in the decision. Misc. Application No. 137 of 2015 is therefore hereby 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**

**O.A. No. 244 of 2010**

**Sinhasan Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondent s

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2015</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 Dinesh Kumar 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 P.N. Chaturvedi, learned counsel for the applicant, and Shri Dinesh Kumar Pandey, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case learned counsel for the respondents raised preliminary objection to the effect that this O.A. is not maintainable, firstly, on the ground that the applicant has not preferred a petition under Section 164(2) of the Army Act before the competent authority resulting not availing the alternative remedy and, secondly, this O.A. has not been filed under Section 15 of the A.F.T. Act, 2007.</p> <p>Learned counsel for the applicant prays for and is granted three</p>

weeks' time to move an amendment application.

List this case on 27.2.2015 for admission before the appropriate Bench 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. 351 of 2010**

**H.B. 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>30.01.2015</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>The case has been taken up in the revised list. No one appears for the applicant.</p> <p>As it comes out from the order-sheet dated 5.11.2014 that on the said date a person, viz. Pavneet Yadav, claiming himself to be the son of the applicant, H.B. Singh, who is appearing in person, appeared and prayed for adjournment. Accordingly, on the said date the case was adjourned and was listed for today.</p> <p>Since neither the applicant nor his representative appeared today nor there is any mention to adjourn/pass over the case, this T.A. No. 351 of 2010 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. 94 of 2014 with M.A. No. 112 of 2015**

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

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.01.2015</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 Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p><b><u>Misc. Application No. 112 of 2015.</u></b></p> <p>This is an application for taking rejoinder affidavit on record. As prayed, the rejoinder affidavit is taken on record.</p> <p>The application is, accordingly, disposed of.</p> <p>List this case on 14.7.2015 for orders before the appropriate Bench 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. 39 of 2011**

**Sanobar S**

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>30.01.2015</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. Priti Tyagi, Departmental Representative.</p> <p>This Writ Petition No. 1563 of 2009 (S/S) has been received by this Tribunal on being transferred from the Hon'ble High Court, Lucknow Bench, Lucknow, and has been registered as T.A. No. 39 of 2011.</p> <p>The petitioner being aggrieved against SCM proceedings and consequent award of imprisonment and dismissal from service has filed this petition before the Hon'ble High Court on 3.3.2009. The petitioner has already undergone the sentence awarded to him and at the time of filing the writ petition the petitioner was already out of service.</p> <p>An objection has been raised by the Departmental Representative that in view of Rule 6(2) of the A.F.T. (Procedure) Rules, 2008 this petition is not maintainable before the Regional Bench at Lucknow, rather the jurisdiction lies before the Kochi Bench of this Tribunal since the applicant is residing in district Trivendrum (Kerala) much before filing of the present</p>

writ petition.

Learned counsel for the applicant conceded that this petition is not maintainable before the Regional Bench at Lucknow and prays that this case be transferred before the Kochi Bench of the Tribunal.

Since under Section 27 of the A.F.T. Act, 2007 the power of transfer of a case from one Regional Bench to another vests on the Hon'ble Chairperson of this Tribunal, as such on the request made my learned counsel for the petitioner at Bar, we direct the Registrar of this Regional Bench at Lucknow to send the record of this case before the Principal Bench of this Tribunal at the earliest for being placed before the Hon'ble Chairperson for necessary orders.

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

(Justice Abdul Mateen)  
Member (J)

PG.



Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**T.A. No. 671 of 2010**

**Umakant Mishra**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.01.2015</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 Yashpal Singh, 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 call of the case learned counsel for the applicant stated that since he is not prepared with the case, he be granted some time to prepare the brief. Learned counsel for the respondents states that in pursuance of the earlier order of this Court for producing original record a huge box containing the record has been brought from 38 Assault Engineering Regiment, Chandimandir.</p> <p>Since learned counsel for the applicant is not prepared with the brief and as prayed by him list this case on 17.7.2015 for hearing before the appropriate Bench having jurisdiction, as per roster of that date.. The respondents are again directed to produce the original record on the said 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. 1381 of 2010**

**Umakant Mishra**

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>30.01.2015</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 Yashpal Singh, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>For orders see our order of date passed in T.A. No. 671 of 2010.</p> <p>List this case on 17.7..2015 for hearing before the appropriate Bench having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**DY No. 2216 of 2014**

**Bhupendra Singh Bhadauria**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>29.01.2015</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>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the case.</p> <p>Accordingly, DY No. 2216 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. 679 of 2014**  
**(Inre: 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>29.01.2015</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>List has been revised. Shri Sandeep Kumar Singh holding brief of Shri S.K. Singh, learned counsel for the applicant, appeared and stated that Shri S.K. Singh is ill. He, therefore, prays for adjournment. Accordingly the case is adjourned for the day.</p> <p>As prayed, list on 16.4.2015 before the appropriate Bench having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**M.A. No. 1512 of 2014**

**S.S. Sandhu**

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>29.01.2015</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>This case has been taken up in the revised list. No one appears for the applicant, neither there is any request to adjourn/pass over the case.</p> <p>Accordingly, this M.A. No. 1512 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. 310 of 2013 with M.A. No. 1215 of 2014 & M.A. No. 1578 of 2014**

**Piyooash Kumar Singh Parmar**  
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>29.01.2015</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. Priti Tyagi, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that in this case counter and rejoinder affidavits have already been exchanged and the matter is ripe for hearing. However, on going through the order-sheets we find that this case has not yet been admitted.</p> <p>Accordingly, the office is directed to list this case on 17.4.2015 for admission before the appropriate Bench 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. 107 of 2012**

**Sukhbir Singh**

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>29.01.2015</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 Prakhhar Kankan, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>On call of the case Shri Prkhar Kankan, learned counsel for the respondents, placed before us a draft in the name of the Registrar, Armed Forces Tribunal, Lucknow, to be deposited before the Registrar, as directed by this Court vide order dated 21.7.2014. Let the draft be deposited before the Registrar during the course of the day. The applicant may present himself before the Registrar, AFT, Lucknow, duly verified by his counsel, and to withdraw the amount from the Registrar.</p> <p>List this case on 19.3.2015 before the appropriate Bench 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. 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>29.01.2015</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. Priti Tyagi, Departmental Representative.</p> <p>Learned counsel for the applicant submits that this O.A. has been filed with the prayer to effect that the order with regard to commutation of 'Severe Displeasure (Recordable)' to 'Severe Displeasure (Non-Recordable)' as directed by the General Officer Commanding-in-Chief, Northern Command order dated 6.5.2009 (Annexure 'A-1' to the OA) be quashed and further to provide all consequential service benefits, if any, from which the applicant has been deprived during the period 6.5.2009 &amp; 6.7.2010.</p> <p>Counter and rejoinder affidavits have already been exchanged</p>

in this case.

Learned counsel for the applicant submits that the reliefs, prayed for, by means of this O.A. have already been provided to the applicant and, therefore, this O.A. has now become infructuous and be dismissed.

Accordingly, this O.A. No. 225 of 2012 is dismissed as infructuous.

(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. 282 of 2012**

**Sattar Khan Nukhani**

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>29.01.2015</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 Nishant Verma, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>On going through the order-sheets we find that that this case has not yet been admitted, though it has been listed for hearing.</p> <p>Heard learned counsel for the parties on the question of admission of this O.A.</p> <p>The applicant, through this O.A., has prayed for quashing of the adverse entries recorded in the ACRs of the applicant for the years 2006, 2007 and 2008.</p> <p>Learned counsel for the applicant argues, firstly, that the adverse entries were never communicated to the applicant and secondly, his supersession, due to the adverse entries so recorded in the years 2006, 2007 and 2008, was also not communicated to him.</p>

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

In this case counter and rejoinder affidavits have already been exchanged.

It comes out from the record that since the first statutory complaint, preferred by the applicant, was returned back to the applicant, the applicant preferred second statutory complaint dated 27.2.2012, vide Annexure 'A-4'. In the counter affidavit the respondents have not mentioned a single word whether the aforesaid statutory complaint has been decided or not. The respondents are, therefore, directed to intimate this Court, by means of an affidavit, whether the aforesaid statutory complaint has already been decided or not.

Shri Verma, learned counsel for the applicant, submits that similar question, as involved in the present case, to the effect that as to whether adverse entry recorded in the C.R. is to be communicated or not is under challenge before the Hon'ble Supreme Court by means of an SLP but he is not at the moment aware of the number of SLP and whether the SLP has, by now, been decided or not. Shri Verma is, therefore, directed to intimate this Court whether such SLP actually persists and, if so, its status.

List this case on 13.3.2015 before the appropriate Bench 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**

**O.A. No. 83 of 2013**

**Shyam Sunder 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>29.01.2015</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>This case has been taken up in the revised list. The matter pertains to the outcome of SCM proceedings wherein the applicant has been awarded punishment on the ground that at the time of enrolment in the service the applicant had given false information.</p> <p>Learned counsel the applicant submits that the charge so levelled against the applicant has neither been verified nor proved and the applicant has been falsely dismissed from service.</p> <p>The respondents are, therefore, directed to produce the service record of the applicant and the record of SCM proceedings before the Court on the next date.</p>

List this case on 23.4.2015 before the appropriate Bench 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. 489 of 2010**

**Anil Chaudhary**

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>29.01.2015</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 D.K. Pandey, learned counsel for the respondents, along with Capt. Priti Tyagi, Departmental Representative.</p> <p>Heard learned counsel for the parties. Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**T.A. No. 63 of 2012**

**Sanjay 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>29.01.2015</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 Dileep Singh, 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 not prepared the brief. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>However, on going through the order-sheets we find that this case has not yet been admitted, though it has been listed for hearing.</p> <p>Office is, therefore, directed to list this case, as prayed, on 15.4.2015 for admission before the appropriate Bench 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**

**DY No. 1116 of 2014 with M.A. No. 1747 of 2014**

**Mithilesh Kumar 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>28.01.2015</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.S. Tiwari on behalf of respondent no. 1 is taken on record. When the case is next listed, his name be shown as counsel for the said respondent.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>In this case the controversy , which has erupted, is as to whether the order dated 3.5.2012 has been despatched to the applicant or not. The stand of the respondents is that they have despatched the order dated 3.5.2012 to the applicant with a covering letter dated 9.5.2012.</p> <p>On the last date, i.e. on 10.12.2014, this Court directed the respondents to produce the original Registered slip before this Court on the next date, i.e. today, but the respondents failed to produce the relevant record today. By the aforesaid order dated 10.12.2014 the applicant was also directed to bring on record, in the form of affidavit, true copy of the earlier petition, filed by the applicant under Section 164(2) of the Army Act. The</p>

applicant has also failed to comply the aforesaid order.

Learned counsel for the parties are, therefore, directed to comply the aforesaid order dated 10.12.2014 within two weeks from today.

List on 23.2.2015 before the appropriate Bench 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**

**Ex. A. No. 48 of 2014**  
**(Inre: O.A. No. 232 of 2012)**

**Diwan Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.01.2015</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. Ridhishri Sharma, Departmental Representative.</p> <p>Aggrieved against non-implementation of the judgment and order dated 17.7.2014, passed by this Court in O.A. No. 232 of 2012, the applicant has filed the present Execution Application. This Court, while allowing the Original Application, quashed the order dated 14.4.2012, passed by the COAS, and the SCM proceedings dated 16.3.1992, and directed the respondents to treat the applicant notionally in service until he attains the service which allows him to receive pension and he will be granted pension with effect from that date of discharge from service which allows him to be eligible for pension.</p> <p>Capt. Ridhishri Sharma, Departmental Representative, states,</p>

on the basis of instruction, that sanction for issuance of PPO and pensionary benefits has been received from the Government, but to issue PPO to the applicant sometime will be required. She, therefore, prays for and is granted three weeks' further time to issue PPO to the applicant.

List on 26.2.2015 before the appropriate Bench having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)  
Member (J)

PG.

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

**Court No. 3**

**M.A. No. 381 of 2014 with M.A. No. 1053 of 2013**  
**(Inre: M.A. No. 838 of 2013 & T.A. No. 1005 of 2010)**

**Birsan**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.01.2015</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. Ridhishri Sharma, Departmental Representative.</p> <p>This review application has been filed by the applicant praying therein to review the judgment and order dated 10.7.2013 passed by this Tribunal in T.A. No. 1005 of 2010.</p> <p>As per office report, there is a delay of 1 month and 14 days in filing the review application.</p> <p>Learned counsel for the respondents prays for and is granted three weeks' time to file objection on the delay condonation application.</p> <p>List on 27.2.2015 before the appropriate Bench having jurisdiction, as per roster of that date. When the case is next listed, the name of Shri Mukund Tewari be shown as counsel for the respondents.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**M.A. No. 461 of 2014**

**Subhash Chandra Pandey**  
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>28.01.2015</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. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Mukund Tewari, learned counsel for the respondents, states that the petition filed by the applicant under Section 164(2) of the Army Act before the authorities concerned has not yet been decided inspite of the order passed earlier by this Court directing the respondents to decide the representation of the applicant within one month.</p> <p>As prayed by learned counsel for the respondents, three months' further time is granted to inform this Court the outcome of the petition preferred by the applicant under Section 164(2) of the Army</p>

Act and to file reply.

List on 1.5.2015 before the appropriate Bench having jurisdiction, as per roster of that date. When the case is next listed, the name of Shri Mukund Tewari 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**

**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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.01.2015</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 R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As it comes out from the order-sheets that the costs imposed by this Court, vide order dated 4.9.2014, has not yet been deposited, although Shri Chaturvedi, learned counsel for the applicant, states that he has already deposited the cost. He has, however, failed to produce the receipt to show when he has deposited the cost.</p> <p>Shri Chaturvedi is, therefore, directed to produce the receipt on the next date.</p> <p>List on 18.2.2015 for admission before the appropriate Bench having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

**Court No. 3**

**O.A.(A) No. 248 of 2014**

**Pradeep 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>28.01.2015</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. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Capt. Ridhishri Sharma, Departmental Representative, prays for and is granted six weeks and no more time to file counter affidavit.</p> <p>List on 3.3.2015 before the appropriate Bench 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. 01 of 2009**

**Rakesh 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>28.01.2015</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 R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.N. Chaturvedi prays that sometime be granted to him to prepare the brief.</p> <p>This case seems to be first case filed before this Tribunal and, therefore, it is the oldest case pending for disposal since then.</p> <p>As a last opportunity, as prayed by learned counsel for the applicant, list this case on 20.4.2015 before the appropriate Bench 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. 195 of 2011**

**Vivek Kumar**

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>28.01.2015</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 B.P.S. Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.N. Chaturvedi prays that sometime be granted to him to prepare the brief.</p> <p>As prayed, list on 22.4.2015 before the appropriate Bench 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. 245 of 2011**

**Pal Jaswant**

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>28.01.2015</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. Ridhishri Sharma, Departmental Representative.</p> <p>While going through the order-sheets we find that this case has not yet been admitted, though it has been listed for hearing.</p> <p>Accordingly, the office is directed to list this case on 23.2.2015 for admission before the appropriate Bench 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. 94 of 2014 with M.A. No. 112 of 2015**

**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>27.01.2015</u></b></p> <p>One Hon'ble Member of the Bench i.e. Hon'ble Lt Gen Anand Mohan Verma, Member (A) is on leave; hence put up on 30.01. 2015 for order.</p> <p>I/C Registrar</p> <p>rpm/-</p>	

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**T.A. No. 159 of 2010**

**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>27.01.2015</u></b></p> <p>One Hon'ble Member of the Bench i.e. Hon'ble Lt Gen Anand Mohan Verma, Member (A) is on leave; hence put up on 16.04. 2015 for hearing.</p> <p>I/C Registrar</p> <p>rpm/-</p>	

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**T.A. No. 351 of 2010**

**H.B. 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>27.01.2015</u></b></p> <p>One Hon'ble Member of the Bench i.e. Hon'ble Lt Gen Anand Mohan Verma, Member (A) is on leave; hence put up on 30.01. 2015 for admission.</p> <p>I/C Registrar</p> <p>rpm/-</p>	

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 3**

**M.A. No. 1734 of 2014 with M.A. No. 1735 of 2014**  
**(Inre: T.A. No. 944 of 2010)**

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

Applicants

Versus

**Atmaram Dwivedi**  
By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
<p><b><u>27.01.2015</u></b></p> <p>One Hon'ble Member of the Bench i.e. Hon'ble Lt Gen Anand Mohan Verma, Member (A) is on leave; hence put up on 30.01. 2015 for admission.</p> <p>I/C Registrar</p> <p>rpm/-</p>	