

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 1 of 2009

Rakesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>22.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi and Shri Yashpal Singh, learned counsels for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard Shri. P.N. Chaturvedi, learned counsel for the applicant at some length. Shri P.N. Chaturvedi states that he intends to site some Law and address the points raised by the court tomorrow.</p> <p>List on 23.4.2015 for further hearing.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>rpm.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 195 of 2011

Vivek Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>22.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Heard Shri P.N. Chaturvedi, learned counsel for the applicant and Shri Bhanu Pratap Chauhan, learned counsel for the respondents duly assisted by Capt. Ridhishri Sharma, Departmental Representative.</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>rpm.</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 with M.A. No. 1551 of 2014

Smt. Januka Devi

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>22.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list on 10.07.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>rpm.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1290 of 2010

Arvind Kumar Katiyar

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><u>22.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri M.S. Yadav, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list on 13.07.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>rpm.</p> <p>.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 111 of 2011

Madhu Sudan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>22.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list on 14.07.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>rpm.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 266 of 2014

Ram Chandra Tiwari

In Person

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: The applicant in person and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard Shri Ram Chandra Tiwari, the applicant, who is appearing in person, and Shri D.K. Pandey, learned counsel for the respondents along with Capt. Ridhishri Sharma, Departmental Representative, on this Original Application.</p> <p>The applicant has preferred this O.A. challenging the order passed by the COAS in the statutory petition filed by the applicant before the COAS. The order of the COAS is in pursuance of the judgment and order dated 19.9.2013 passed by this Tribunal in O.A. No. 34 of 2013, preferred by the applicant before this Tribunal. This Tribunal while deciding the aforesaid O.A. No. 34 of 2013 dismissed the O.A. so far as it relates to SCM proceedings and pre-trial proceedings are concerned and allowed in part so far as it relates to disposal of statutory petition of the applicant dated 8.2.2012 with the direction to the concerned authority to dispose it of within three months by passing a reasoned and speaking order.</p> <p>The COAS, as per direction of this Tribunal in the aforesaid O.A. No. 34 of 2013, rejected the statutory petition of the petitioner filed under Section 164(2) of the Army Act by a reasoned and speaking order on 21.11.2014.</p> <p>While going through the record we find that in the present O.A. No. 266 of 2014 the applicant not only challenged the order of the COAS dated 21.11.2014 but also the entire SCM proceedings, which has already been affirmed by this Tribunal in the aforesaid O.A. No. 34 of 2013.</p> <p>It has also come out that the respondents had filed a Review Application against the judgment and order dated 19.9.2013, passed by this</p> |

Tribunal in O.A. No. 34 of 2013, being Review Application No. 10 of 2014, and a Bench of this Tribunal has dismissed the Review Application No. 10 of 2014, vide order dated 21.4.2014.

We are, therefore, of the view that this Court in the present O.A. No. 266 of 2014 cannot again review the judgment and order dated 19.9.2013, passed by this Tribunal in O.A. No. 34 of 2013 and outcome of dismissal of applicant's petition under Section 164(2) of the Army Act which also precisely mean again opening the case to evaluate the SCM proceedings and pre-trial proceedings. As such, this petition is misconceived and is, accordingly, dismissed without any 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. 515 of 2010

Shyam Sunder

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he could not brought the judgment of Hon'ble Supreme Court, referred to in our order dated 24.2.2015. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 5.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 573 of 2010

Styendra Prasad

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri Prakhar Kankan, learned counsel for the respondents, is not present in Court.</p> <p>On call of the case learned counsel for the applicant prays for adjournment of the case since he is not prepared with the brief. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 8.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1204 of 2010 with M.A. No. 681 of 2015

T Kishan

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Pradeep Chandola, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 681 of 2015.</u></p> <p>After hearing at some length on this amendment application, learned counsel for the applicant submits that he intends to withdraw this application with liberty of the Court to file it afresh.</p> <p>As prayed, this M.A. No. 681 of 2015 is dismissed as withdrawn with liberty to the applicant to file it afresh, if so advised.</p> <p>List on 13.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

DY. No. 980 of 2014 with M.A. No. 420 of 2015 & M.A. No. 764 of 2015

(Inre: O.A. No. Nil of 2014)

Asha Ram

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant submits that he intends to file an amendment application to amend the prayer clause of the O.A. He, therefore, prays for and is granted two weeks' time to move amendment application to amend the prayer clause of the O.A.</p> <p>List on 19.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 29 of 2014 with M.A. No. 774 of 2015

Radhey Shyam

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri Prakhar Kankan, learned counsel for the respondents, is not present in Court.</p> <p><u>Misc. Application No. 774 of 2015.</u></p> <p>On call of the case learned counsel for the applicant appeared and stated that he intends to withdraw this amendment applicant with liberty of the Court to file it afresh.</p> <p>Accordingly, this M.A. No. 774 of 2015 is dismissed as withdrawn with liberty to the applicant to file it afresh.</p> <p>As prayed, list this case on 27.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 01 of 2009

Rakesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.N. Chaturvedi appeared and stated that his assisting Counsel, Shri Yashpal Singh, has not come to this Tribunal. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, put up/list this case tomorrow, i.e. on 22.4.2015.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 33 of 2012

Sherpal Chahar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case a person in civil dress appeared claiming himself to be Sherpal Chahar, the applicant, and submits that he intends to engage another counsel in this case. He, therefore, prays for and is granted two days' time to move appropriate application.</p> <p>List on 12.5.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 03 of 2009

Awadhesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>21.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This petition has been filed by the petitioner challenging the SCM proceedings by which the petitioner has been awarded punishment to the extent of reduction in rank, which as per submission made by learned Standing Counsel is not maintainable under Section 3(o)(iv) of the A.F.T. Act, 2007. Learned counsel for the applicant also concedes with the argument of learned Standing Counsel.</p> <p>Accordingly, this T.A. No. 03 of 2009 is dismissed as not maintainable. The applicant may approach the authorities concerned, if aggrieved against the punishment, so awarded to him, as provided under the law, if so advised.</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. 298 of 2013

Ram Das

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Dismissed.</p> <p>For Judgment and Order, see our judgment and order of date passed on separate sheets.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

**DY-No. 2115 of 2014 with M.A. No. 62 of 2015, M.A. No. 63 of 2015,
M.A. No. 64 of 2015, M.A. No. 91 of 2015, M.A. No. 185 of 2015,
M.A. No. 762 of 2015 & M.A. No. 763 of 2015
(Inre: O.A. No. Nil of 2015)**

Nb Sub Om Prakash

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri 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>Heard learned counsel for the parties.</p> <p>This O.A.(A) has been preferred by the applicant challenging the initiation of GCM proceedings against him. However, after filing of this case before this Tribunal the GCM proceedings have been concluded which resulted into dismissal of the applicant from service, subject to confirmation.</p> <p>Learned counsel for the applicant submits that it is admitted that the applicant has not availed the alternative remedy provided to him under Section 164 of the Army Act. He, however, submits that there is no question of filing a petition under Section 164 of the Army Act before the COAS for the reason that the illegalities have been committed during the course of GCM proceedings since the applicant was denied the right of filing documents and not affording him adequate opportunity to represent his case.</p> <p>We find that there is no bar under Section 164 of the Army Act which prohibits the applicant not to prefer a petition under Section 164 of the Army Act. We are of the view that the applicant has got every right to agitate the matter before the competent authority by filing a</p> |

petition under Section 164 of the Army Act and since the applicant has not availed the alternative remedy, as provided under the law as such in peculiar facts and circumstances of this case we are of the view that applicant should avail alternative remedy, this O.A.(A) is misconceived.

Accordingly, in view of above, this O.A.(A) is dismissed on ground of alternative remedy.

(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 with M.A. No. 503 of 2015 & M.A. No. 504 of 2015

Sinhasan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case a preliminary objection has been raised by learned counsel for the respondents to the effect that against the punishment awarded to the applicant in SCM proceedings, the applicant has not availed the alternative remedy, available to him under Section 164 of the Army Act, as provided under Section 21 of the A.F.T. Act, 2007.</p> <p>No doubt availing the alternative remedy is mandatory as provided under Section 21 of the AFT Act, 2007 but it depends upon the facts and circumstances of each and every case. This Court is, however, empowered enough to entertain a O.A. even if alternative remedy is not exhausted if this Court find it a fit case for being adjudicated. But, in the instant case we find that alternative remedy under Section 164 of the Army Act was required to be exhausted before coming to this Tribunal.</p> <p>Since in the present case the applicant failed to avail the alternative remedy before coming to this Tribunal by way of the present O.A., we refuse to entertain the O.A. at this stage.</p> <p>Accordingly, Original Application No. 244 of 2010 is dismissed on the ground of alternative remedy.</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. 220 of 2011

Shyam Kishore

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he is not prepared with the brief. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 15.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 31 of 2014

Jeetendra Bahadur Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Devendra Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for and is granted three weeks' time to file rejoinder affidavit.</p> <p>List on 16.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 125 of 2010

Joginder Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Dileep Singh, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This case is pending before this Tribunal since the year 2010 but the unfortunate part of the case is that the copy of SCM proceedings, which ought to have been on record in view of the provisions of the A.F.T. (Procedure) Rules, 2008, has not yet been filed.</p> <p>Learned counsel for the applicant prays for and is granted three weeks' time to file copy of the SCM proceedings.</p> <p>List on 7.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 700 of 2010

Anand Kumar Srivastava

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri M. Shukla, Advocate, appeared and stated that he intends to file Vakalatnama on behalf of the applicant/petitioner. He states that he could not file his Vakalatnama in this case earlier due to hving no objection from the earlier counsel.</p> <p>Shri Shukla, therefore, prays for adjournment to enable him to file his Vakalatnama. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 7.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 10 of 2013

Ramjeet Maurya

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri S.K. Singh, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this T.A.</p> <p>Aggrieved against the order of (i) dismissal from Naval Services, (ii) 79 days Mulcts of pay and allowances & (iii) 60 days stoppage of leave, passed by the respondents on 21.4.1999 the petitioner/applicant preferred Writ Petition No. 4273 (SS) of 2000 before the Lucknow Bench of the Hon'ble Allahabad High Court, which has ultimately transferred to this Tribunal and registered as T.A. No. 10 of 2013.</p> <p>The argument advanced by learned counsel for the applicant is that as per allegation of respondents the applicant has been awarded the punishment on the ground that he absented himself from 31.10.1998 to 15.1.1999 without leave and without informing the authorities concerned. The submission is that the punishment awarded to the applicant is too excessive and not commensurate to the charges levelled against the applicant. Further submission is that the reasons put forward by the applicant for his absence was not weighed in its correct prospective and the punishment is too harsh. The next submission is that this is the first offence of the applicant and the punishment cannot be evaluated to the charges levelled against the applicant.</p> <p>There seems to be some substance in the arguments of learned</p> |

counsel for the applicant. Accordingly, this T.A. is **admitted**.

Since counter and rejoinder affidavits have already been exchanged in this case, the office is directed to list this case for hearing on 3.9.2015 before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A.(A) No. 167 of 2014 with Dy No. 1211 of 2014

Hav Govind Singh Bisht

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for adjournment since he intends to file certain application. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 12.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 01 of 2009

Rakesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list/put up this case tomorrow, i.e. on 21.4.2015.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

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><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Nishant Verma,, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>It has been brought to the notice of this Court by learned counsel for the respondents that the representation preferred by the applicant against adverse entries recorded in his ACRs for the years 2006, 2007 and 2008 for which he had been superseded by his junior for being promoted to the post of Naib Subedar from the post of Havildar has been rejected.</p> <p>Learned counsel for the applicant submits that he intends to file amendment application to amend the facts, grounds as well as prayer clause. He, therefore, prays for and is granted three weeks' time to file amendment application.</p> <p>List on 22.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 699 of 2010

Anand Kumar Srivastava

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>20.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri M. Shukla, Advocate, appeared and stated that he intends to file Vakalatnama on behalf of the applicant/petitioner. He states that he could not file his Vakalatnama in this case earlier due to hving no objection from the earlier counsel.</p> <p>Shri Shukla, therefore, prays for adjournment to enable him to file his Vakalatnama. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 7.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

DY-No. 2216 of 2014
(Inre: O.A. No. Nil of 2014)

Bhupendra Singh Bhadauria
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>17.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Maj R. D. Singh (Retd.), learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Aggrieved against the order of dismissal and imprisonment for life in DCM, this O.A. has been filed on behalf of the applicant, Sep. Bhupendra Singh Bhadauria.</p> <p>An objection has been raised by the office that no Vakalatnama has been filed on behalf of the applicant and to which Major R.D. Singh (Retd.) states that he intends to file Vakalatnama before the Registry. He may do so during the course of the day.</p> <p>An affidavit has also been filed by the respondents informing therein that the petition filed by the applicant under Section 164(2) of the Army Act before the COAS has been dismissed on 13.1.2015.</p> <p>Learned counsel for the applicant states that he intends to amend the grounds as well as relief clause. He, therefore, prays for and is granted two weeks' time to file amendment application.</p> <p>List on 6.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 915 of 2014
(Inre: O.A. No. Nil of 2014)

Abhimanyu 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><u>17.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri K.B. Singh, learned counsel for the applicant, and Smt. Dipti P. Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>After hearing this case at some length,, learned counsel for the applicant prays that since due to certain mistakes committed by him while drafting the Original Application this case be dismissed as withdrawn with liberty to file afresh.</p> <p>In the interest of justice and as prayed by learned counsel for the applicant, this O.A. is dismissed as withdrawn with liberty to the applicant to file it afresh with proper drafting of the case, if so advised.</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. 161 of 2012

Amit Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>17.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.A. Singh, learned counsel for the applicant, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;">Shri D.K. Pandey, learned counsel for the respondents, is not present.</p> <p style="text-align: center;"><u>Misc. Application No. 887 of 2014.</u></p> <p style="text-align: center;">This is an application for amendment moved by the appellant to amend the prayer clause of the O.A. The respondents raised objection. We find there is no substance in the objection so raised by the respondents. Accordingly, this application is allowed.</p> <p style="text-align: center;">Let necessary amendment be incorporated in the prayer clause within a week.</p> <p style="text-align: center;">List on 19.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 310 of 2013

Piyooosh 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><u>17.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Sgt. S.K. Pandey, Departmental Representative.</p> <p>Heard learned counsel for the parties on the question of admission of this O.A. which has been filed by the applicant after his dismissal from service and reduction in rank in DCM proceedings.</p> <p>We have gone through the charge-sheet of the applicant and found that as many as 24 charges have been levelled against the applicant under the provisions of the Air Force Act.</p> <p>The argument advanced by learned counsel for the applicant is that the applicant was working in the Air Force as Cash Accounts Clerk and not as Pay & Accounts Clerk and there is no evidence so as to connect the applicant with respect to the commission of the offence charged with.</p> <p>Since there is substance in the argument of learned counsel for the applicant, we admit this O.A.</p> <p>In this case counter and rejoinder affidavits have already been exchanged and the matter is ripe for hearing.</p> <p>Accordingly, office is directed to list this case on 1.9.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 299 of 2013

Surendra Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>17.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Mrs. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. None of the counsel appearing in this case on behalf of the applicant is present, neither there is any request to adjourn/pass over the case.</p> <p>Accordingly, O.A. No. 299 of 2013 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. 53 of 2014

Praveen Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>17.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Devendra Kumar, learned counsel for the respondents, along with Sgt. S.K. Pandey, Departmental Representative.</p> <p>While going through the record we find that this O.A. is of the year 2014 and has already been admitted. Counter and rejoinder affidavits have also been exchanged in this case and the O.A. is ripe for hearing.</p> <p>Accordingly, the office is directed to list this case for hearing on 2.9.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 250 of 2011 with M.A. No. 1551 of 2014

Smt. Januka Devi

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>17.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Col. Ashok Kumar (Retd.), 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 Col. Ashok Kumar (Retd.) prays that this case be listed for hearing on 22.4.2015.</p> <p>Accordingly, office is directed to list this case on 22.4.2015 for bearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 5 of 2010

Udai Narayan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Partly allowed.</p> <p>For Judgment and Order, see our judgment and order of date passed on separate sheets.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 679 of 2014

(Inre: 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><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri..., learned counsel for the applicant, and Shri, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List on ...2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 496 of 2015
(Inre: T.A. No. 1352 of 2010)

Ashok Kumar Shukla
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Col. Y.R. Sharma, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the respondents is not present.</p> <p><u>Misc. Application No. 496 of 2015.</u></p> <p>This is an application for recall of the order dated 2.3.2015, passed by this Court, dismissing T.A. No. 1352 of 2010 for non-prosecution.</p> <p>We have gone through the affidavit filed in support of this application and found that the reasons shown in paragraphs 3 and 4 of the affidavit seem to be genuine.</p> <p>Accordingly, the order dated 2.3.2015 is hereby recalled and the T.A. No. 1352 of 2010 is hereby restored to its original number.</p> <p>List the Transferred Application for hearing on 18.5.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 265 of 2014 with M.A. No. 599 of 2015

Abhishek Pandey

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri T.N. Tiwari, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Sgt. S.K. Pandey, Departmental Representative.</p> <p>Heard learned counsel for the parties on M.A. No. 198 of 2015.</p> <p>By filing this M.A. No. 198 of 2015 the respondents have raised objection regarding maintainability of this O.A. before this Tribunal since the applicant is resident of Bihar and the jurisdiction lies before the Kolkata Bench of this Tribunal.</p> <p>The facts of the case, in brief, are that the applicant was while in Lucknow was tried by GCM and in pursuance thereof he was dismissed from service. After dismissal from service the applicant went to his native place at Bihar and is residing there.</p> <p>Learned counsel for the applicant, while referring Rule 6(2) of the A.F.T. (Procedure) Rules, 2008, argues that though the applicant is presently residing at his native place at Bihar but the cause of action arose at Lucknow and, therefore, the jurisdiction very much lies before the Regional Bench at Lucknow and since option has been provided under the aforesaid Rules, the applicant chose to file the present O.A. before the Lucknow Bench of this Tribunal.</p> <p>Rule 6(2) of the A.F.T. (Procedure) Rules, 2008 provides as under :</p> <p><i>“(2) Notwithstanding anything contained in sub-rule (1), a person who has ceased to be in service by reason of his retirement, dismissal, discharge, cashiering, release, removal, resignation or termination of service may, at his option, file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application.”</i></p> <p>We are of the opinion that since the word ‘option’ used in Rule 6(2)</p> |

of the Rules denotes two places and since the applicant, in the present case, was posted at Lucknow where GCM proceedings were initiated and ultimately the applicant has been dismissed from service in pursuance of the outcome of the said GCM proceedings, which was initiated at Lucknow, the applicant has the 'option' to file an O.A. before this Regional Bench at Lucknow, though he is, after his dismissal from service, residing at Bihar.

In view of above, the objection raised by respondents through learned Standing Counsel stands rejected and the O.A., filed by the applicant, is entertained.

List this case for admission on 5.5.2015 before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 41 of 2015

Parmjit Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, 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, on the request of learned Standing Counsel, the respondents were granted six weeks' time to file objection, vide our order dated 25.2.2015 but no objection has yet been filed by the respondents.</p> <p>It is a sad part of the respondents that time and again we have seen in so many cases that objections are not being filed even after providing sufficient opportunities. This case falls in that category too.</p> <p>Let, therefore, notice be issued to respondent no. 4, the Commanding Officer, No. 54 Engineer Regiment, PIN-914054, C/o 56 APO, to show cause as to whether he intends to oppose this O.A. or not. Shri D.S. Tiwari, learned Standing Counsel, states that he has not yet received any instruction from the competent authority whether the respondents want to oppose this O.A. or not.</p> <p>However, as a matter of last opportunity, as prayed by learned Standing Counsel, three weeks and no more is granted to the respondents to file objection, if any. It is, however, made clear that by the next date if objection is not filed or a specific response is received as to whether the respondents intends to oppose the present O.A., heavy cost will be imposed on the concerned respondent .</p> <p>List on 22.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

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

Court No. 3

T.A. No. 167 of 2009

Avadhesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on the question of admission of this T.A. which relates to an outcome of the proceedings initiated against the accused-applicant in SCM and it resulted in dismissal from service of the applicant.</p> <p>While going through the record we find that the charge levelled against the accused-applicant relates to Section 44 of the Army Act to the effect that at the time of enrolment the applicant wilfully made false answer to a question set forth in the prescribed form of enrolment which was put to him by the Enrolling Officer before whom the applicant appeared for the purpose of being enrolled. We further find that the stand taken by the respondents for which the accused-applicant was tried for being involved in two criminal cases, was one relating to case Crime No. 54 of 1995 under Sections 308, 323, 504 and 506 I.P.C., P.S. Sareni, District Rae Bareli and case Crime No. 217 of 1994 under Section 323, 336 and 504 I.P.C., P.S. Sareni, District Rai Bareli.</p> <p>In the SCM proceedings, according to learned counsel for the applicant, the applicant has been falsely roped in since the applicant was not named in both the aforesaid F.I.Rs. wherein the name of his brother, viz. Jai Prakash was mentioned.</p> <p>The parentage of the applicant and his brother Jai Prakash is Jagannath. Learned counsel for the applicant is directed to bring on record, by means of an affidavit, true copy of the family register of Jai Prakash resident of Saket Baberi Kheda, Mauja Bhajepur, P.S. Saren, District Rae</p> |

Bareilly, within three weeks.

It is also noteworthy to note that in the High School Certificate the name of the applicant has been shown as Awadesh Kumar, upon which reliance has been placed, and his date of birth is shown as 15.7.1979 and parentage is shown as Jagannath. Learned counsel for the applicant shall also bring on record the evidence to the effect that Jai Prakash is brother of the applicant.

List on 25.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 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><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri S.K. Singh, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. Learned Counsel for the applicant requested for adjournment of the case today to enabling him to file Supplementary Rejoinder Affidavit. As such, the case is adjourned and granted four week's time to file the same.</p> <p>As prayed, list on 28.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>rpm.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 119 of 2010

Ravindra 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><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Bhanu Pratap Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, 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) (Justice Abdul Mateen) Member (A) Member (J)</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

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Shri Bhanu Pratap Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard Shri K.K. Mishra at some length.</p> <p>List this case for further hearing on 20.5.2015.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</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. 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><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Shri Bhanu Pratap Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, 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>rpm.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 924 of 2010

Shinde SM

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant, and Shri Ratnesh Lal, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Put up tomorrow for further hearing.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</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. 5 of 2010

Udai Narayan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Partly allowed.</p> <p>For Judgment and Order, see our judgment and order of date passed on separate sheets.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 496 of 2015
(Inre: T.A. No. 1352 of 2010)

Ashok Kumar Shukla
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Col. Y.R. Sharma, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the respondents is not present.</p> <p><u>Misc. Application No. 496 of 2015.</u></p> <p>This is an application for recall of the order dated 2.3.2015, passed by this Court, dismissing T.A. No. 1352 of 2010 for non-prosecution.</p> <p>We have gone through the affidavit filed in support of this application and found that the reasons shown in paragraphs 3 and 4 of the affidavit seem to be genuine.</p> <p>Accordingly, the order dated 2.3.2015 is hereby recalled and the T.A. No. 1352 of 2010 is hereby restored to its original number.</p> <p>List the Transferred Application for hearing on 18.5.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 265 of 2014 with M.A. No. 599 of 2015

Abhishek Pandey

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri T.N. Tiwari, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Sgt. S.K. Pandey, Departmental Representative.</p> <p>Heard learned counsel for the parties on M.A. No. 198 of 2015.</p> <p>By filing this M.A. No. 198 of 2015 the respondents have raised objection regarding maintainability of this O.A. before this Tribunal since the applicant is resident of Bihar and the jurisdiction lies before the Kolkata Bench of this Tribunal.</p> <p>The facts of the case, in brief, are that the applicant was while in Lucknow was tried by GCM and in pursuance thereof he was dismissed from service. After dismissal from service the applicant went to his native place at Bihar and is residing there.</p> <p>Learned counsel for the applicant, while referring Rule 6(2) of the A.F.T. (Procedure) Rules, 2008, argues that though the applicant is presently residing at his native place at Bihar but the cause of action arose at Lucknow and, therefore, the jurisdiction very much lies before the Regional Bench at Lucknow and since option has been provided under the aforesaid Rules, the applicant chose to file the present O.A. before the Lucknow Bench of this Tribunal.</p> <p>Rule 6(2) of the A.F.T. (Procedure) Rules, 2008 provides as under :</p> <p><i>“(2) Notwithstanding anything contained in sub-rule (1), a person who has ceased to be in service by reason of his retirement, dismissal, discharge, cashiering, release, removal, resignation or termination of service may, at his option, file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application.”</i></p> <p>We are of the opinion that since the word ‘option’ used in Rule 6(2)</p> |

of the Rules denotes two places and since the applicant, in the present case, was posted at Lucknow where GCM proceedings were initiated and ultimately the applicant has been dismissed from service in pursuance of the outcome of the said GCM proceedings, which was initiated at Lucknow, the applicant has the 'option' to file an O.A. before this Regional Bench at Lucknow, though he is, after his dismissal from service, residing at Bihar.

In view of above, the objection raised by respondents through learned Standing Counsel stands rejected and the O.A., filed by the applicant, is entertained.

List this case for admission on 5.5.2015 before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 41 of 2015

Parmjit Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, 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, on the request of learned Standing Counsel, the respondents were granted six weeks' time to file objection, vide our order dated 25.2.2015 but no objection has yet been filed by the respondents.</p> <p>It is a sad part of the respondents that time and again we have seen in so many cases that objections are not being filed even after providing sufficient opportunities. This case falls in that category too.</p> <p>Let, therefore, notice be issued to respondent no. 4, the Commanding Officer, No. 54 Engineer Regiment, PIN-914054, C/o 56 APO, to show cause as to whether he intends to oppose this O.A. or not. Shri D.S. Tiwari, learned Standing Counsel, states that he has not yet received any instruction from the competent authority whether the respondents want to oppose this O.A. or not.</p> <p>However, as a matter of last opportunity, as prayed by learned Standing Counsel, three weeks and no more is granted to the respondents to file objection, if any. It is, however, made clear that by the next date if objection is not filed or a specific response is received as to whether the respondents intends to oppose the present O.A., heavy cost will be imposed on the concerned respondent .</p> <p>List on 22.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

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

Court No. 3

T.A. No. 167 of 2009

Avadhesh Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on the question of admission of this T.A. which relates to an outcome of the proceedings initiated against the accused-applicant in SCM and it resulted in dismissal from service of the applicant.</p> <p>While going through the record we find that the charge levelled against the accused-applicant relates to Section 44 of the Army Act to the effect that at the time of enrolment the applicant wilfully made false answer to a question set forth in the prescribed form of enrolment which was put to him by the Enrolling Officer before whom the applicant appeared for the purpose of being enrolled. We further find that the stand taken by the respondents for which the accused-applicant was tried for being involved in two criminal cases, was one relating to case Crime No. 54 of 1995 under Sections 308, 323, 504 and 506 I.P.C., P.S. Sareni, District Rae Bareli and case Crime No. 217 of 1994 under Section 323, 336 and 504 I.P.C., P.S. Sareni, District Rai Bareli.</p> <p>In the SCM proceedings, according to learned counsel for the applicant, the applicant has been falsely roped in since the applicant was not named in both the aforesaid F.I.Rs. wherein the name of his brother, viz. Jai Prakash was mentioned.</p> <p>The parentage of the applicant and his brother Jai Prakash is Jagannath. Learned counsel for the applicant is directed to bring on record, by means of an affidavit, true copy of the family register of Jai Prakash resident of Saket Baberi Kheda, Mauja Bhajepur, P.S. Saren, District Rae</p> |

Bareilly, within three weeks.

It is also noteworthy to note that in the High School Certificate the name of the applicant has been shown as Awadesh Kumar, upon which reliance has been placed, and his date of birth is shown as 15.7.1979 and parentage is shown as Jagannath. Learned counsel for the applicant shall also bring on record the evidence to the effect that Jai Prakash is brother of the applicant.

List on 25.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

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

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: The applicant in person and Shri A.K. Singh, learned counsel for the respondents, along with Sgt. S.K. Pandey, Departmental Representative.</p> <p>The matter relates to grant of pension to the applicant and aggrieved against non-granting pensionary benefits, the applicant approached this Tribunal vide O.A. No. 101 of 2010, which was ultimately allowed, vide the the judgment and order dated 6.12.2012.</p> <p>The applicant further aggrieved against non-implementation of the aforesaid judgment and order filed the aforesaid Execution Application No. 54 of 2013 before this Tribunal.</p> <p>While hearing this Execution Application notice was directed to be issued by this Court on respondent no. 8.</p> <p>Now, the office report indicates that the notice issued to respondent no. 8, the Chief Manager, State Bank of India, CPPC, 4, Kutchery Road, Allahabad, fixing today's date, through the Chief Judicial Magistrate, Allahabad, has been duly served on respondent no. 8, but, surprisingly enough, inspite of service of notice having been effected on respondent no. 8, neither counter affidavit has been filed on his behalf nor respondent no. 8 appeared in person nor he even dared to honour the PPO of the applicant, issued by the respondents, as yet.</p> <p>Let summons be issued to respondent no. 8 through the Chief</p> |

Judicial Magistrate, Allahabad, for appearance of respondent no. 8 in person on 21.5.2015 and to show cause as to why PPO issued to the applicant by the respondents in pursuance of the aforesaid judgment and order dated 6.12.2012, passed by this Tribunal, has not yet been honoured in toto.

List on 21.5.2015 for orders.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 127 of 2012

Gautam Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Commanding Officer, 38 Med Regt & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Yashovardhan Swaroop, learned counsel for the applicant, and Shri Mukund Trewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant submits that earlier time was granted by this Court to file rejoinder affidavit, but he could not file the same as yet due to certain reasons. He, therefore, prays for and is granted four weeks' further time to file rejoinder affidavit.</p> <p>As prayed, list on 31.8.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 2 of 2014

Rajneesh Kumar Patel

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>16.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 26.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p> |

