

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 881 of 2015

(Inre: Dy No. 1073 of 2014 & O.A. Nil of 2015)

Mehboob Khan

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and stated that he is not feeling well today and prays that all the cases listed today be adjourned. Accordingly, as prayed, this case is adjourned for the day.</p> <p>List on 21.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 1108 of 2015 with M.A. No. 1109 of 2015

(Inre: T.A. 5 of 2010)

Union of India & Others

By Legal Practitioner for Applicants

Applicants

Versus

Udai Narayan Singh

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Dileep Singh, learned counsel for the applicants, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1108 of 2015.</u></p> <p>This is an application for condoning the delay in filing M.A. No. 1109 of 2015 for leave to appeal before the Hon'ble Supreme Court against the judgment and order dated 16.4.2015, passed by this Court in T.A. No. 5 of 2010.</p> <p>As per office report there is a delay of 10 days in filing the M.A. No. 1109 of 2015 for leave to appeal.</p> <p>We have gone through the affidavit filed in support of the delay condonation application. The reason shown for the delay in filing the M.A. No. 1109 of 2015 for leave to appeal seems to be genuine. Accordingly, M.A. No. 1108 of 2015 is allowed and the delay in filing M.A. No. 1109 of 2015 is hereby condoned.</p> <p><u>Misc. Application No. 1109 of 2015.</u></p> <p>This is an application, filed by the applicants under Section 31 of the A.F.T. Act, 2007, for leave to appeal before the Hon'ble Supreme Court against the judgment and order dated 16.4.2015, passed by this Court in T.A. No. 5 of 2010.</p> <p>We have gone through our aforesaid judgment and order dated 16.4.2015 and the grounds taken by the applicant for leave to appeal. We do not find any point of law of general public importance is involved in the present case so as to grant leave to the applicant to file</p>

appeal before the Hon'ble Supreme Court. Accordingly, M.A. No. 1109 of 2015 under Section 31 of the A.F.T. Act, 2007 is 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

M.A. No. 1119 of 2015 with M.A. 1120 of 2015
(Inre: O.A. 299 of 2013)

Surendra 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>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rajat Pratap Singh, learned counsel for the applicant, and Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1118 of 2015.</u></p> <p>This is an application for condoning the delay in filing restoration application, being M.A. No. 1119 of 2015.</p> <p>The reason shown in the affidavit for the delay in filing restoration application seems to be genuine. Accordingly, the application is allowed and the delay in filing the restoration application is hereby condoned.</p> <p><u>Misc. Application No. 1119 of 2015.</u></p> <p>This is an application for recall of our order dated 17.4.2015 whereby O.A. No. 299 of 2013 was dismissed for non-prosecution.</p> <p>The reason shown in the affidavit for non-appearance on 17.4.2015 seems to be genuine. Accordingly, this application is allowed and the order dated 17.4.2015 is hereby recalled. The Original Application is restored to its original number.</p> <p>List on 26.8.2015 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. 75 of 2015

Ravi Singh Thakur

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>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vijay Kumar holding brief of Shri T.N. Tiwari, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case, learned counsel for the respondents served a copy of the counter affidavit on learned counsel for the applicant today in Court. Learned counsel for the applicant prays for and is granted six weeks' time to file rejoinder affidavit.</p> <p>List on 29.7.2015.2015 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. 595 of 2010

Vijay Keshav 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>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Dileep Singh, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and stated that he is not feeling well today and prays that all the cases listed today be adjourned. Accordingly, as prayed, this case is adjourned for the day.</p> <p>List on 22.7.2015 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. 49 of 2010 with M.A. No. 1255 of 2014

Bisram Giri

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>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and stated that he is not feeling well today and prays that all the cases listed today be adjourned. Accordingly, as prayed, this case is adjourned for the day.</p> <p>List on 23.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 157 of 2014 with M.A. 105 of 2015

Umesh Kumar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and stated that he is not feeling well today and prays that all the cases listed today be adjourned. Accordingly, as prayed, this case is adjourned for the day.</p> <p>List on 24.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 590 of 2010

Rajesh Kumar Tiwari

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>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the respondents is not present in Court today.</p> <p>On call of the case learned counsel for the applicant prays for adjournment since due to certain reason he could not prepare the brief. Accordingly, the case is adjourned for the day.</p> <p>List on 23.7.2015 for hearraing 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. 603 of 2010

Rajendra 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>29.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the applicant is not present in Court today.</p> <p>On call of the case the Departmental Representative states that today she is not in possession of the order in favour of the officiating GOC conferring power upon him under Section 163 of the Army Act. She, however, states that the same must be there on record. As prayed, she is directed to place the same, if available on record, to satisfy this Court as to whether officiating GOC, 26 Infantry Division, was possessed with the power of setting aside the punishment awarded in SCM or not, as has been done in the present case, as submitted by learned counsel for the applicant.</p> <p>List this case as part-heard for further hearing on 16.7.2015.</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

DY-No. 872 of 2015

(Inre: M.A. No. 1767 of 2014)

Kuldeep 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>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Mukund Tewari on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the same. Accordingly, M.A. No. 1767 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 with T.A. No. 1053 of 2010

Pitambar Datt Nainwal

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri S.K. Singh, 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 learned counsel for the applicant prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 27.8.2015 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. 302 of 2011 with M.A. No. 723 of 2015

Brijendra Kumar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 723 of 2015.</u></p> <p>This is an application, filed by the applicant, for amendment to the O.A.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection.</p> <p>List on 13.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 41 of 2015 with M.A. No. 1053 of 2015 & M.A. No. 1105 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>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1105 of 2015.</u></p> <p>This is an application, filed by the applicant, for taking rejoinder affidavit on record. The rejoinder affidavit is taken on record. The application stands disposed of.</p> <p><u>Misc. Application No. 1053 of 2015.</u></p> <p>This is an application for taking objection/counter affidavit, filed by the respondents, on record. The objection is taken on record. The application stands disposed of.</p> <p><u>Misc. Application No. 1117 of 2015.</u></p> <p>This is an application for grant of bail to the applicant, who has been convicted in GCM proceedings for the offence under Section 69 of the Army Act read with Section 10 of the Protection of Children from Sexual Offences Act, 2012 for five years' R.I. and dismissal from service.</p> <p>Learned counsel for the applicant submits that in pursuance of the aforesaid conviction the applicant is languishing in jail since November, 2014 and, while taking us through the evidence on record, raised his point for grant of bail to the applicant.</p> <p>We find that, at the time of incident, the prosecutrix was four years' old. She was then subjected to sexual assault, as alleged by the prosecution. To prove this case the father of the prosecutrix, viz. Hav. KCB Singha, was examined as P.W. 2. While going through the statement of P.W. 2 we find that P.W. 2 has stated that the applicant had committed this offence and on seeing commission of the said offence he caught hold the accused-applicant and beaten him and, later on, the accused-applicant has been prosecuted for</p>

the aforesaid offence.

The submission of learned counsel for the applicant is that the applicant cannot be connected with the commission of the aforesaid offence since the prosecutrix was not examined and it is a case of mistaken identity.

If the submission of learned counsel for the applicant is taken into consideration, then there was no occasion to assault the accused by the father of the prosecutrix. We find that there was no occasion for P.W. 2, the father of the prosecutrix, to falsely implicate the accused-applicant and, at this stage, we do not find it a fit case for grant of bail. Accordingly, this M.A. No. 1117 of 2015, for grant of bail, is rejected.

List the Original Application for admission on 18.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 84 of 2012

Narendra Kumar Rana
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on admission of this T.A.</p> <p>The applicant, in DCM proceedings, on the charge so levelled against him under Section 69 of the Army Act read with Section 354 I.P.C., has been convicted with one year's R.I. and dismissal from service.</p> <p>Learned counsel for the applicant has taken us to the statement of the prosecutrix, who has been examined as P.W. 2, viz. Miss K.D. Gurung, VSM, and great emphasis has been laid by learned counsel for the applicant that the prosecutrix, Miss K.D. Gurung, has clearly stated in her statement that "<i>I had not seen the face of the person who had pressed by breasts. I cannot recognise that man. However, he was about 5'8" tall and well built. I do not recognise the accused.</i>"</p> <p>Learned counsel for the applicant submits that on the above vague statement of the prosecutrix the applicant has been convicted. He further submits that this is a case of mistaken identity and based on the vague statement of the prosecutrix the applicant could not be convicted.</p> <p>There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, we admit this T.A.</p> <p>Since counter and rejoinder affidavits have already been exchanged in this case, office is directed to list this case for hearing on 10.9.2015 before the appropriate Court having jurisdiction, as per roster of that date.</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. 36 of 2013 with M.A. No. 899 of 2015

Man 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>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Lt. Col. A.K. Saxena (Retd.), 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. 899 of 2015.</u></p> <p>This is an application for taking amendment application, copy of which has been served upon learned Standing Counsel, on record. The amendment application is taken on record. The application stands disposed of.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection, if any, on this amendment application.</p> <p>List for orders on 29.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

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

RP Vishwakarma

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 532 of 2015.</u></p> <p>This is an application, filed by the respondents, for taking counter affidavit on record. The counter affidavit is taken on record. The application is, accordingly, disposed of.</p> <p>Learned counsel for the applicant prays for and is granted six weeks' time to file rejoinder affidavit.</p> <p>List on 27.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 28 of 2014

Anand 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>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This writ petition has come up before this Tribunal on transfer from the Hon'ble Allahabad High Court and registered as T.A. No. 28 of 2014.</p> <p>From the office report dated 1.4.2015 it transpires that the notice issued to the applicant/petitioner has been received by the applicant and the applicant also presented himself on 1.4.2015 before the Registrar of this Tribunal with an application being Diary No. 690, which is on record. However, there is no Vakalatnama on record of any Advocate on his behalf.</p> <p>Today when the case was taken up, neither the applicant, Anand Kumar, nor his counsel is present.</p> <p>Let fresh notice be issued to the applicant, fixing 25.8.2015, as to whether he is still interested to contest this T.A. or not and, if interested, he is required either to appear in person or through his counsel on the next date.</p> <p>List on 25.8.2015 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

**EX-A/15 of 2014 with M.A. No. 439 of 2014,
M.A. No. 410 of 2015 & M.A. No. 1009 of 2015
(Inre: T.A No. 988 of 2010)**

VD Jha

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri 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 states that although the respondents, by means of the supplementary affidavit, have indicated that the judgment and order dated 7.8.2013, passed by this Tribunal in T.A. No. 988 of 2010, have been fully complied with, but he intends to take instruction from his client whether all the payments have been made or not and as to whether the aforesaid judgment and order has been fully complied with or not. He, therefore, prays for and is granted six weeks' time for the same.</p> <p>List for orders/disposal of the Execution Application on 30.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 124 of 2014

Prem Singh Negi

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>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for adjournment since he is not prepared with the brief. Accordingly, the case is adjourned for the day. On the next date learned counsel for the applicant will satisfy this Court as to whether this O.A. is maintainable or not.</p> <p>List on 24.8.2015 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

T.A. No. 1459 of 2010 with M.A. No. 824 of 2015

Ram Naresh 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>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 824 of 2015.</u></p> <p>This is an application for taking supplementary rejoinder affidavit on record. The supplementary rejoinder affidavit is taken on record. The application is, accordingly, disposed of.</p> <p>List on 25.8.2015 for orders/admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 109 of 2014

Mukesh 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>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Ishraq Farooqui, 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>This case is of the year 2014. List this case again for hearing on 11.9.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 364 of 2010

Hari Babu Nishad

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 12.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 725 of 2010

Gopal Sharan 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>28.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 21.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A.(A).No. 210 of 2010 With M.A. No. 920 of 2015

Rashmi 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>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant, and Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 920 of 2015.</u></p> <p>This is an application for taking additional rejoinder affidavit on record. The additional rejoinder affidavit is taken on record and the application stands disposed of.</p> <p>As prayed by learned counsel for the applicant, list on 7.8.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 452 of 2010

Rajendra Prasad Mishra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on admission of this T.A.</p> <p>This T.A. has been preferred by the applicant with the prayer to quash the adverse entry in the ACR for the year 2006-07 due to which the applicant could not be considered for promotion to the rank of Subedar by the DPC held on 2008. The submission of learned counsel for the applicant is that all other entries recorded in the ACR prior to 2006-07 were either above average or high average but merely on the basis of the entry recorded in the ACR for the year 2006-07 the name of the applicant was not forwarded to the DPC for consideration of his promotion to the post of Subedar.</p> <p>There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, we admit this T.A.</p> <p>Since the matter is of 2010 and counter and rejoinder affidavits have already been exchanged in this case, list this case for hearing on 26.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1455 of 2010

Sarvjit 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>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri 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>On call of the case learned counsel for the applicant states that he is not prepared with the brief today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 21.9.2015 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

EX.A. No. 9 of 2012

(Inre O.A. No. 295 of 2011)

Birendra Singh Tomar

By Legal Practitioner for Applicant

Applicant

Versus

SK Sharma Secretary MoD

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Veer Raghav Chaubey, 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 learned counsel for the applicant states that the interim order passed by the Hon'ble Supreme Court on the judgment and order dated 18.10.2011, passed by this Tribunal in O.A. No. 295 of 2011, continues. He, therefore, prays that this Execution Application be listed after three months since he expects that by the time the SLP, pending before the Hon'ble Supreme Court, will be decided.</p> <p>As prayed, list on 3.9.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date. On that date learned counsel for the applicant will inform the Court about outcome of the SLP pending before the Hon'ble Supreme Court.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

**EX.A. No. 1 of 2014 With M.A. No. 1781 of 2014 and M.A. No. 1802 of 2014
(Inre T.A. No. 858 of 2010)**

Madhukar Kalu Jadhav
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>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and 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 stated that the judgment and order dated 17.7.2013, passed by this Tribunal in T.A. No. 858 of 2010, has been complied with and this Execution Application is now rendered infructuous.</p> <p>Accordingly, this Execution Application No. 01 of 2014 stands dismissed as infructuous and M.A. No. 1781 of 2014 stands disposed of.</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. 83 of 2014 With M.A. No. 1122 of 2014 and M.A. No. 1123 of 2014
M.A. No. 1342 of 2014, M.A. No. 1343 of 2014, M.A. No. 1719 of 2014, M.A. No. 118
of 2015 and M.A. No. 749 of 2015, M.A. No. 813 of 2015
(Inre: O.A. No. NIL of 2014)**

Sgt Kesho Dubey

By Legal Practitioner for Applicant

Applicant

Versus

Air Chief Marshal Arup Raha, COAS & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri A.K. Singh, learned counsel for the respondents, along with Wing Cdr. S.K. Pandey, Departmental Representative.</p> <p>On call of the case one person claiming himself to be Sgt. Kesho Dubey, the applicant, appeared and stated that his counsel Shri T.N. Tiwari is ill and could not come to this Tribunal today.</p> <p>By order dated 27.4.2015 this Court had directed the Joint CDA, Subrata Park, New Delhi, to appear in person today before this Court with the relaxation that if all the dues of the applicant are cleared of in the meantime, he need not appear in person.</p> <p>Today, learned counsel for the respondents has filed an application before this Court for exemption from personal appearance of Joint CDA, Subrata Park, New Delhi, supported with an affidavit wherein it has been stated that all the dues have been paid to the applicant. In support of the statement details of payment, bifurcating all the payments so made to the applicant, has also been attached with this affidavit. The application supported with an affidavit is taken on record. The office is directed to register this application.</p> <p>Since, according to the respondents, all the dues have been paid to the applicant, the exemption application is allowed. The Joint CDA need not appear in person till further orders of this Court.</p> <p>Since learned counsel for the applicant is not present in Court today, list this case again on 8.7.2015 for orders. On that date learned</p>

counsel for the applicant is directed to confirm, by means of an affidavit, about full compliance of the judgment and order dated 13.9.2013, passed by this Tribunal in O.A. No. 243 of 2011.

(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. 29 of 2014

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>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Shri Prakhar Kankan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant stated that he intends to withdraw this O.A. since lots of amendment are required making the O.A. a bulky one and for that it will be difficult for the Court to correlate with the facts of the case. He, therefore, prays that this O.A. be dismissed as withdrawn with liberty to file it afresh.</p> <p>Accordingly, as prayed, this O.A. is dismissed as withdrawn with liberty to file it afresh, 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. 1 of 2011

Praveen Kumar Pal

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>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri R.S. Mishra on behalf of respondents no. 1 & 2 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri 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 learned counsel for the applicant stated that he intends to bring on record some judgment of the Hon'ble Supreme Court, wherein, according to him, it has been held that under Section 40(a) of the Army Act SCM proceedings by the own CO only can be initiated. Shri Chaturvedi also submits that there is a judgment of this Tribunal on the same point, which too he intends to bring on record. Let him do so, as prayed, within six weeks.</p> <p>As prayed, list on 25.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 752 of 2010

Samrath Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri V.P. Pandey, Advocate, appeared and stated that Shri V.K. Pandey, learned counsel for the applicant, has not come to this Court today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 8.9..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. 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>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>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) 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, M.A. No. 362 of 2015
& M.A. No. 447 of 2015
(Inre: O.A. No. Nil.)**

Mithilesh Kumar 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>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case it has been pointed out by the Bench Secretary that an adjournment application, filed by learned counsel for the applicant, is on record wherein learned counsel for the applicant has prayed for adjournment of the case since he will remain out of station today. Accordingly, the case is adjourned for the day.</p> <p>List for admission on 11.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 144 of 2015 With M.A. No. 1063 of 2015

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

Yogendra Kumar Sharma
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. Learned counsel for the applicant is not present, rather a person claiming himself to be Yogendra Kumar Sharma, the applicant, appeared and stated that his counsel has not come to this Court today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List for admission on 14.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 832 of 2015 With M.A. No. 833 of 2015

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

Lt Col Jose KK

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>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This O.A. has been filed by the applicant with an application for condoning the delay in filing the O.A. The respondents were granted time to file objection, if any, but no objection has been filed as yet. Shri Mukund Tewari, learned counsel for the respondents, submits that the objection is almost ready and will be filed before the Registry within two days. He, therefore, prays for and is granted two days' time to file objection.</p> <p>List for orders/admission on 23.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

Court No. 3

M.A. No. 1037 of 2015
(Inre: O.A. No. 251 of 2014)

Vipin 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>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1037 of 2015.</u></p> <p>This is an application, moved by the applicant, for recall of the order dated 23.4.2015, passed by this Court, dismissing O.A.(A) No. 251 of 2014 and M.A. No. 686 of 2015 for non-prosecution.</p> <p>We have gone through the affidavit, filed along with this application, and the reasons shown in the affidavit appears to be genuine. Accordingly, this application is allowed and the order dated 23.4.2015 is hereby recalled. O.A.(A) No. 251 of 2014 and M.A. No. 686 of 2015 are restored to their original numbers.</p> <p>List for orders on 13.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

Court No. 3

O.A. No. 228 of 2014

Surendra Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case it has been pointed out by the Bench Secretary that an adjournment application, filed by learned counsel for the applicant, is on record wherein learned counsel for the applicant has prayed for adjournment of the case since he will remain out of station today. Accordingly, the case is adjourned for the day.</p> <p>List for admission on 12.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

Court No. 3

T.A. No. 59 of 2009

Jai Nath 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>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri S.K. Upadhyay, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Seen the office report dated 22.5.2015 wherein it has been mentioned that this file (writ petition) was transferred from the Hon'ble High Court with several other files as per letter of the O.S.D. (Admn.) dated 9.12.2009.</p> <p>We have gone through the letter dated 9.12.2009 of Shri Charan Singh, H.J.S., Officer on Special Duty (Admin), High Court, Lucknow Bench, Lucknow, wherein it has been stated transferring a bunch of writ petitions (34 in numbers) before this Tribunal mentioning therein that "<i>I am directed to send the records of the cases, list attached, which is now in jurisdiction of Armed Forces Tribunal.</i>" No order of the Court is attached thereon with the letter of the O.S.D. to enable us to understand whether these writ petitions were transferred before this Tribunal by an administrative order or by an order of Hon'ble Court.</p> <p>The Registrar of this Tribunal is, therefore, directed to ensure as to whether this writ petition along with other writ petitions (34 in numbers) have been transferred to this Tribunal, simply on administrative order, without there being any order of the Hon'ble High Court or not.</p> <p>List for orders on 15.7.2015 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

T.A. No. 531 of 2010

Sultan Ram

By Legal Practitioner for Applicant

Applicant

Versus

Secy GOI & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p style="text-align: center;">Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;">On call of the case learned counsel for the applicant states that he intends to move an amendment application to amend the prayer clause of the T.A. with respect to rejection of the petition of the applicant under Section 164(2) of the Army Act by the COAS. He, therefore, prays for and is granted six weeks time for the same.</p> <p style="text-align: center;">List for orders/admission on 17.7.2015 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

**EX-A. No. 26 of 2011 With M.A. No. 708 of 2014,
M.A. No 627 of 2015 & M.A. No. 1066 of 2015
(Inre: T.A. No. 146 of 2010)**

Ravindra Singh Kushwah

Applicant

By Legal Practitioner for Applicant

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1066 of 2015.</u></p> <p>This is an application accompanied with the reply to the supplementary counter affidavit, filed by the applicant after serving a copy of the same on Shri Mukund Tewari, learned Standing Counsel. In this affidavit the applicant has indicated that certain payment is due. Shri Mukund Tewari, is also present in Court and states that he will hand over copy of this application along with reply on the application by the supplementary counter affidavit, duly received by him, to Shri D.K. Pandey, learned counsel for the respondents. Shri Pandey is directed to obtain instruction on this application and to file reply within six weeks.</p> <p>List for orders on 21.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

**EX-A. No. 48 of 2014 With M.A. No 609 of 2015,
(Inre: O.A. No. 232 of 2012)**

Diwan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case it has been pointed out by the Bench Secretary that an adjournment application, filed by learned counsel for the applicant, is on record wherein learned counsel for the applicant has prayed for adjournment of the case since he will remain out of station today. Accordingly, the case is adjourned for the day.</p> <p>List for orders on 13.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

EX-A. No. 5 of 2015
(Inre: T.A. No. 21 of 2009)

Smt. Annapurna Shukla

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>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rakesh Johri, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the respondents states that the pay and allowances for the period from 21.3.2007 to 22.5.2009 has been calculated and is awaiting Government sanction. As prayed by learned counsel for the respondents, this case is adjourned for a period of six weeks to enable the respondents to make the aforesaid payment to the applicant during this period.</p> <p>List for orders on 30.7.2015 before the appropriate Court having jurisdiction, as per roster of that date. It is expected that by the next date the amount of pension due to the applicant shall also be paid to the applicant.</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. 633 of 2010

Upendra Singh Chauhan
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>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case it has been pointed out by the Bench Secretary that an adjournment application, filed by learned counsel for the applicant, is on record wherein learned counsel for the applicant has prayed for adjournment of the case since he will remain out of station today. Accordingly, the case is adjourned for the day.</p> <p>List for hearing on 25.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1409 of 2010

Sutan

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>26.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.M. Shukla, learned counsel for the applicant, and Shri Prakhar Kankan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>The Departmental Representative submits that in this case some record are available relating to Summary of Evidence. Let the same be brought on record, by means of an affidavit, within two weeks after serving a copy of the same on learned counsel for the applicant. The applicant may file reply, if any, within two weeks thereafter.</p> <p>List for further hearing on 27.7.2015.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 381 of 2014 with M.A. No. 1053 of 2013 & M.A. No. 489 of 2015
(Inre: M.A. No. 838 of 2013 & T.A. No. 1005 of 2010 & O.A. No. Nil of 2014)

Birsan

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>While going through the record it comes out from the office report that the applicant has not yet filed the receipt regarding deposit of Rs. 500/- to the account of the AFT Bar Association, as ordered by this Court on 1.5.2014 while recalling our order dated 4.3.2014 by means of which M.A. No. 838 of 2013, for condoning the delay in filing the O.A., was dismissed for non-prosecution.</p> <p>As prayed, list this case again on 21.8.2015 before the appropriate Court having jurisdiction, as per roster of that date. By that time, it is expected that learned counsel for the applicant will file the receipt.</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. 1033 of 2015

(Inre: M.A. No. 1064 of 2013 & O.A. No. Nil of 2015)

Neil Kanth Gain

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>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Anuj Dayal, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1033 of 2015.</u></p> <p>This is an application for recall of our order dated 29.4.2015 dismissing O.A. No. Nil of 2013 for non-prosecution.</p> <p>We have gone through the affidavit and we find that the reasons shown in the affidavit for non-appearance on 29.4.2015 seem to be genuine. Accordingly, the application is allowed and the order dated 29.4.2015 is hereby recalled. O.A. No. Nil of 2013 is restored.</p> <p><u>Misc. Application No. 1064 of 2013.</u></p> <p>This is an application for condoning the delay in filing the O.A. by means of which the applicant has prayed for quashing the sentence and order dated 7.1.1999, appellate orders dated 14/19.12.2000, letters dated 17.8.2006, 24.9.2011, 24.11.2011 and 2.2.2012</p> <p>This O.A. arises out of the order dated 7.1.1999, passed in SCM proceedings and, therefore, the delay in filing the O.A. has not been properly explained.</p> <p>Learned counsel for the applicant prays for and is granted a week's time to file better affidavit explaining the delay in filing this O.A.</p> <p>List on 3.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 12 of 2015 with M.A. No. 360 of 2015

Lt Col Mukesh Baboo
In person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: The applicant in person and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Since this case has been sent to this Court, vide order of the H.O.D., we have heard the applicant, who is appearing in person, and Capt. Ridhishri Sharma, Departmental Representative, on admission of this O.A., which has been filed by the applicant praying therein for quashing the charge-sheet dated 22.10.2014 (Annexure '1' to the O.A.) as well as the order rejecting his application for premature retirement.</p> <p>According to the applicant the charge-sheet ultimately culminated into the shape of GCM and he has been awarded sentence forfeiting his three years' service for the purpose of promotion, two years' service for forfeiture of his pension and severe reprimand.</p> <p>We find that now after initiation of GCM and awarding punishment thereon this O.A. has been rendered infructuous since the charge-sheet merged in the final outcome of the GCM proceedings. So far as the claim of the applicant for his premature retirement is concerned, that too was rejected by the respondents with the observation that the application for premature retirement cannot be accepted at this stage since disciplinary action has been taken against him.</p> <p>In view of above, we do not find any merit in this O.A. It is, accordingly, dismissed as infructuous.</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 with M.A. No. 1045 of 2015

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>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1045 of 2015.</u></p> <p>This is an application moved by the applicant for taking the accompanying affidavit, moved by the applicant, on record. Through this affidavit the applicant has filed Parivar Register of the applicant showing therein that his brother Jai Prakash as son of Jagannath. He has also annexed the voters' list and voter Parchi showing the name of Jai Prakash as son of Jagannath.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to obtain instruction and to file objection, if any.</p> <p>List on 8.7.2015 for orders/admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 22 of 2013 with M.A. No. 1000 of 2015 and M.A. 1001 of 2015

Anil Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Applications No. 1000 of 2015.</u></p> <p>This is an application for taking supplementary affidavit on record. The supplementary affidavit is taken on record and the application is disposed of.</p> <p><u>Misc. Application No. 1001 of 2015.</u></p> <p>This is an application for amendment to be taken on record. By this application the applicant has sought amendment in the T.A. since his petition under Section 164(2) of the Army Act has been decided/rejected by the competent authority and the applicant intends to challenge the order passed on the petition under Section 164(2) of the Army Act.</p> <p>We have gone through the application and found that if this application is allowed it will not change the nature of the T.A. Accordingly, this application is allowed. The applicant may incorporate the necessary amendments within six weeks.</p> <p>List for orders on 11.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

Court No. 3

T.A. No. 2 of 2015

Chattar 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>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh Chauhan on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Shri M.R. Gupta has filed his Vakalatnama on behalf of the petitioner today. It be taken on record. When the case is listed next, his name be shown as counsel for the petitioner.</p> <p>Present: Shri M.R. Gupta, learned counsel for the applicant, and Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the petitioner is directed to file Bench copy of the T.A. for assistance of the Court.</p> <p>List on 13.8.2015 for orders/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

EX-A. No. 15 of 2015
(Inre: O.A. No. 91 of 2014)

Smt Sangeeta 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>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri 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>In this case, on 24.4.2015, learned counsel for the respondents was directed to obtain instruction from the authorities concerned about disposal of the application dated 13.7.2014, preferred by the applicant and two weeks' time was granted to this effect. Today, learned counsel for the respondents informs this Court that the said representation has already been decided on merit.</p> <p>Learned counsel for the respondents is directed to bring on record, by means of an affidavit, by tomorrow, the order on the representation dated 13.7.2014, preferred by the applicant.</p> <p>List on 14.7.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 203 of 2013 with Dy No. 695 of 2015

Pushkar 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>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Jitendra Singh, learned counsel for the applicant, and Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Dy. No. 695 of 2015.</u></p> <p>This is an application for taking rejoinder affidavit on record. The rejoinder affidavit is taken on record and the application is disposed of.</p> <p>Since now counter and rejoinder affidavits have been exchanged in this case, list this case for hearing on 10.9.2015 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. 82 of 2014

Yogesh 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>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri T.N. Tiwari, learned counsel for the applicant, and Ms. Deepi Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Since counter and rejoinder affidavits have been exchanged in this case and the matter is of the year 2014, list this case for hearing on 14.9.2015 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

**T.A. No. 1296 of 2010 with M.A. 859 of 2014, M.A. No. 1318 of 2014,
M.A. No. 1321 of 2014 & M.A. No. 536 of 2015**

Hari Shanker 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>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri V.K. Pandey, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1321 of 2014.</u></p> <p>This is an application for objection to the amendment application, filed by the respondents. The objection is taken on record and the application is disposed of.</p> <p><u>Misc. Application No. 1318 of 2014.</u></p> <p>This is an application for taking supplementary counter affidavit on record. The supplementary counter affidavit is taken on record and the application is disposed of.</p> <p><u>Misc. Application No. 536 of 2015.</u></p> <p>This is an application for taking supplementary counter affidavit on record. The supplementary counter affidavit is taken on record and the application is disposed of.</p> <p><u>Misc. Application No. 859 of 2014.</u></p> <p>This is an application for amendment in the prayer clause of this T.A. By this application the applicant sought to amend the prayer clause to the extent that the impugned adverse entry in the ACR of the year 2000 be quashed and to grant the petitioner his seniority with consequential benefits.</p> <p>Since the amendments sought for will not change the nature of the T.A., this application is allowed. Let amendments be incorporated</p>

within three weeks.

List on 18.8.2015 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

T.A. No. 185 of 2009

Vijay Kumar Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey states that this case will be argued by Shri P.N. Chaturvedi and since Shri Chaturvedi has not come to this Court today, he, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 20.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 572 of 2010 along with T.A. No. 571 of 2010

HCS Rautela

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>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list this case on 7.8.2015 before the appropriate Court having jurisdiction, as per roster of that date. Supplementary counter affidavit, if any, as prayed by learned counsel for the respondents, may be filed by the respondents by the next date of listing.</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. 1273 of 2010

Santosh Kumar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.R. Tripathi, 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 copy of the supplementary counter affidavit, served on him by learned counsel for the respondents, is not pertaining to the present case. He, therefore, returns the supplementary counter affidavit to Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, in Court. He further prays that the respondents be directed to serve a copy of the supplementary counter affidavit pertaining to this case. Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, assures this Court he will serve the correct copy of the supplementary counter affidavit, pertaining to this case, on learned counsel for the applicant within a week.</p> <p>If the correct copy of the supplementary counter affidavit is served on learned counsel for the applicant by learned counsel for the respondents, the applicant may file supplementary rejoinder affidavit within four weeks.</p> <p>List on 17.8.2015 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. 72 of 2013

Kalu 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>22.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case no one appears for the applicant. The Bench Secretary informs that an application for adjournment by learned counsel for the applicant is on record wherein it has been stated that the applicant's counsel will remain out of station today and, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 2.7.2015 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. 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>22.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, and 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 respondents states that the counter affidavit is ready and will be filed before the Registry during the course of the day after serving a copy of the same on learned counsel for the applicant. If the counter affidavit is filed today, the applicant may file rejoinder affidavit within three days.</p> <p>List on 28.5.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1109 of 2010

Krishan Kumar 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>22.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri Mukund Tewari, learned counsel for the respondents, is not present in Court.</p> <p>On call of the case learned counsel for the applicant states that he is not prepared with the brief today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List for hearing on admission on 3.7.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 141 of 2012

Rajneesh Tripathi

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>22.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case no one appears for the applicant. The Bench Secretary informs that an application for adjournment by learned counsel for the applicant is on record wherein it has been stated that the applicant's counsel will remain out of station today and, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 3.7.2015 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. 298 of 2011

Awadhesh Kumar Pandey

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>22.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Dinesh Kumar Pandey on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Dinesh Kumar Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the applicant at length.</p> <p>In rebuttal learned counsel for the respondents will argue the case on behalf of the respondents on the next date.</p> <p>List for further hearing on 13.8.2015.</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 with M.A. No. 1016 of 2015

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>22.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case no one appears for the applicant. The Bench Secretary informs that an application for adjournment by learned counsel for the applicant is on record wherein it has been stated that the applicant's counsel will remain out of station today and, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 6.7.2015 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.(A) No. 1 of 2013

Anil Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>22.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the case. Accordingly, O.A.(A) No. 1 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

T.A. No. 395 of 2010

Jitendra Kumar Yadav

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>22.05.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Col. R.N. Singh (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 the last occasion the respondents were directed to produce the copy of Court of Inquiry. Learned counsel for the respondents states that the copy of Court of Inquiry is not available with him today. He, therefore, prays for adjournment to enable him to get the copy of Court of Inquiry and to produce the same before this Court.</p> <p>As a matter of last opportunity the case is adjourned for the day on the request of learned counsel for the respondents. On the next date learned counsel for the respondents will ensure that the copy of Court of Inquiry as well as the proceedings under Army Rule 22 are produced before this Court.</p> <p>List on 5.8..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>