

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 832 of 2015

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>28.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Mukund Tewari on behalf of respondents no. 1 to 5 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 Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 832 of 2015.</u></p> <p>This is an application, moved by the applicant, for condoning the delay in filing the Original Application.</p> <p>As per office report there is a delay of 3 months and 22 days in filing the Original Application.</p> <p>In the Original Application two prays have been made by the applicant, firstly, for quashing the remark "Result Later" and secondly, for quashing censure order dated 10.3.2015.</p> <p>The applicant in the delay condonation application has indicated the reason for the delay in filing the O.A.</p>

Learned counsel for the respondents prays for and is granted two weeks' time to file objection on the delay condonation application.

List on 26.5.2015 for orders/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. 820 of 2015 with M.A. No. 821 of 2015
(Inre: Dy. No. 1257 of 2014)

Ajay 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>28.04.2015</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.K. Shukla, learned counsel for the applicant, and Shri Prakhari Kankan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc Applications No. 820 of 2015 and 821 of 2015.</u></p> <p>Filing his Vakalatnama Shri P.K. Shukla, Advocate, has filed this application though in the Original Application Vakalatname of Shri Ajay Kumar Singh, Advocate, and Shri Sandeep Sharma, Advocate, is on record. We find that Shri P.K. Shukla has filed this application on behalf of the applicant without obtaining 'No Objection' from the earlier counsel.</p> <p>On being asked by this Court as to how he has done so, Shri P.K. Shukla begs pardon for his wrongful act with the assurance that in future he will never do so. He further prays that both these application be dismissed as not pressed.</p> <p>Taking a lenient view on Shri P.K. Shukla and as prayed by him M.A. No. 820 of 2015 & M.A. No. 821 of 2015 are dismissed as not pressed.</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. 82 of 2012

Mahavir Singh Rawat

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>28.04.2015</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>Earlier this petition was filed before the Hon'ble Allahabad High Court. Subsequently, it was transferred before the Hon'ble Uttarakhand High Court and from there it has been transferred to this Tribunal and registered as T.A. No. 82 of 2012.</p> <p>Heard learned counsel for the parties and have gone through the petition and the records available therein.</p> <p>Aggrieved against the dismissal from service in SCM on the charge levelled against him under Section 52(f) of the Army Act the petitioner filed this writ petition. The charge was that the petitioner misappropriated Rs. 20,000/- for his wrongful gain which was to be</p>

disbursed amongst the permanent staff for their pay and allowances.

The argument advanced by learned counsel for the petitioner is that the applicant had no role to play with the disbursement of the aforesaid amount of Rs. 20,000/- amongst the permanent staff for their pay and allowances since the petitioner was not authorised to disburse that amount. In paragraph no. 12 of the petition it has been pleaded so. However, in reply to paragraph no. 12 of the writ petition the respondents in paragraph no. 13 of their counter affidavit, duly sworn by Major R.K. Singh, have neither denied it nor specifically replied paragraph no. 12 of the writ petition. The submission of learned counsel for the petitioner is that the petitioner has been wrongly roped in with mala fide intention.

There seems to be some substance in the argument of learned counsel for the petitioner. Accordingly, the writ petition 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 20.8.2015 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

O.A. No. 123 of 2010 with M.A. No. 1525 of 2014 & M.A. No. 826 of 2015

Vivek Anand 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>28.04.2015</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 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 case. Accordingly, M.A. No. 1525 of 2014 and O.A. No. 123 of 2010 are dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

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

Umesh Kumar 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>28.04.2015</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 Vinay Pandey holding brief of 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 prays for and is granted further three weeks' time to file rejoinder affidavit.</p> <p>List on 29.5.2015 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

T.A. No. 128 of 2010 with M.A. No. 737 of 2015

Mohitosh Mandal

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>28.04.2015</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><u>Misc. Application No. 737 of 2015.</u></p> <p>This is an application, filed by the respondents, for taking the affidavit on record. The affidavit is taken on record. The application is disposed of accordingly.</p> <p>Heard learned counsel for the parties on this T.A. in part.</p> <p>List/put up tomorrow, i.e. on 29.4.2015, for further hearing.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 84 of 2012

Narendra Kumar Rana

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>28.04.2015</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 Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey apprised this Court that vide order dated 23.7.2001 the writ petition was dismissed by the Hon'ble Allahabad High Court for default and on an application for recall of that order the Hon'ble Allahabad High Court on 29.8.2012 recalled the order dated 23.7.2001 and restored the writ petition to its original number and on the same day transferred this writ petition before this Tribunal. This Tribunal, on being transferred this writ petition, registered it as T.A. No. 84 of 2012.</p> <p>We have gone through the record and find that this case has not yet been admitted.</p> <p>The office is, therefore, directed to list this case for admission on 28.5.2015 before the appropriate Court having jurisdiction, as per roster of</p>

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. 37 of 2012

Salil Chandra Jagdev

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>28.04.2015</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 Ashutosh Kumar Srivastava, 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 case. Accordingly, O.A. No. 37 of 2012 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. 46 of 2012

Sunil 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>28.04.2015</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 V.P. Pandey, 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 states that he needs to enquire from the applicant with respect to treatment meted out right from 5.5.2007 upto the date of his surrender, i.e. 8.12.2009 since there is no whisper about the treatment the applicant availed nor any prescription is on record to establish that the applicant was under treatment during the aforesaid period. Shri Pandey further states that his client has informed him that he did not have any prescription with respect to the aforesaid period.</p> <p>On being asked to argue the case since this case has been listed for hearing, Shri Pandey 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 this case on 18.8.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p>

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

(Justice Abdul Mateen)
Member (J)

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 81 of 2013

Subedar Jai Ram 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>28.04.2015</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 Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri D.S. Tiwari, 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. He, therefore, prays for adjournment. Accordingly the case is adjourned for the day.</p> <p>As prayed, list on 17.8.2015 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. 780 of 2010

Mangal Saran

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2015</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: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>In this case an application for adjournment has been moved on behalf of Shri P.D. Verma, learned counsel for the applicant. The application is allowed and the case is adjourned for the day.</p> <p>List for hearing on 21.8.2015 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

O.A. No. 1109 of 2010

Krishan Kumar Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Air Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.04.2015</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 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. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>We have gone through the record and we find that the matter pertains to SCM and this T.A. is pending before this Tribunal since the year 2010. It has also not come out from the record that this petition has already been admitted, though it has been listed for hearing.</p> <p>Accordingly, the office is directed to list this case for admission on 22.5.2015 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>

	PG.
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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	Versus	Applicant
By Legal Practitioner for Applicant		
Chief of Army Staff & Others		Respondents
By Legal Practitioner for Respondents		

Notes of the Registry	Orders of the Tribunal
	<p><u>27.04.2015</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;">Dismissed.</p> <p style="text-align: center;">For judgment and order, see our judgment and order of date passed in separate sheets.</p> <p style="text-align: center;">(Lt. Gen A.M. Verma) (Justice Abdul Mateen)</p>

	Member (A)	Member (J)
PG.		

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

DY- No. 1559 of 2014

Keshar Bahadur Tamang

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>27.04.2015</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: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case one person claiming himself to be the applicant, viz. Keshar Bahadur Tamang, appeared.</p> <p>When this appeal was filed before this Tribunal the applicant at that time was in jail. Accordingly, Shri Yashpal Singh, Advocate, was appointed by this Court as Amicus Curiae to conduct the case on behalf of the applicant.</p> <p>Shri Keshar Bahadur Tamang states that he has been released from jail and he want to engage Shri K.K. Mishra, Advocate, as his counsel. Shri K.K. Mishra too is present in Court and identified Shri Meshar Bahadur Tamang.</p> <p>Shri K.K. Mishra states that he will file his Vakalatname on behalf of the applicant before the Registry today. Shri Mishra further states that since this appeal was filed by the applicant when he was in jail therefore, the appeal could not be properly drafted and vital points could not be agitated in this appeal for proper adjudication of this appeal. Shri Mishra, therefore,</p>

prays that the applicant be permitted to withdraw this appeal with liberty to file it afresh.

Accordingly, as prayed by Shri Mishra, this appeal is dismissed without entering into the merits of the case with liberty to file afresh.

(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. 302 of 2011 with M.A. No. 723 of 2015 & M.A. No. 724 of 2015

Brijendra Kumar 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>27.04.2015</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 Vinay Pandey holding brief of Shri P.N. Chaturvedi, 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. Applications No. 723 of 2015 & 724 of 2014.</u></p> <p>M.A. No. 723 of 2015 has been filed by the applicant for amendment in the O.A. and M.A. No. 724 of 2014 has been filed by the applicant for taking supplementary affidavit on record.</p> <p>Capt. Ridhishri Sharma, Departmental Representative, submits that copies of both the above applications have not been provided by learned counsel for the applicant. The record shows that Shri Prakhar Kankan, learned counsel for the respondents, have received both the copies. However, on demand, Shri Vinay Pandey handed over one copy each of both the above applications to the Departmental Representative today in Court.</p>

The Departmental Representative further prays for and is granted three weeks' time to file objection to the amendment application.

Since M.A. No. 724 of 2015 is for taking supplementary affidavit on record, we allow this application. The supplementary affidavit is, accordingly, taken on record.

List on 21.5.2015 for admission/orders 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. 542 of 2010

Bhagwat 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>27.04.2015</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 Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri A.K. Singh, learned counsel for the respondents, along with Wg. Cdr. S.K. Pandey, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey states that there are lot of amendments to be incorporated in the petition. He, therefore, prays some more time to be granted to incorporate the amendments. As prayed, two months' further time is granted to the applicant to incorporate the amendments in the petition and also file amended copies of the T.A.</p> <p>List on 14.8.2015 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. 18 of 2012 with T.A. No. 531 of 2010

Rishi Pal 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>27.04.2015</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 Vinay Pandey holding brief of Shri P.N. Chaturvedi, 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 today.</p> <p>On call of the case Shri Vinay Pandey prays for and is granted one month's further time to file amendment application.</p> <p>List on 17.7.2015 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

**M.A. No. 83 of 2014 with M.A. No. 1122 of 2014, 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 & M.A. No. 749 of 2015, M.A. No. 813 of 2015
(Inre O.A. Nil of 2014)**

Sgt Kesho Dubey

By Legal Practitioner for Applicant

Applicant

Versus

Air Chief Marshal Arup Raha & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.04.2015</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 A.K. Singh, learned counsel for the respondents, along with Wg. Cdr. S.K. Pandey, Departmental Representative.</p> <p>On 13.4.2015 this Court had directed learned Standing Counsel to file an affidavit mentioning therein as to whether the amount due to the applicant, as mentioned in para 5 of M.A. No. 118 of 2015, has been paid to the applicant or not.</p> <p>In compliance of the aforesaid order dated 13.4.2015 the respondents have filed an affidavit supported with M.A. No. 813 of 2015. In this affidavit in paragraph 3-A it has been mentioned that POR for 10 days LTC has been cleared and is pending for audit before the Joint CDA, Air Force. Likewise, in paragraphs 3-C & E it has been mentioned that the payment towards Bonus and Transport Allowance</p>

are also pending for audit before the Joint CDA, Air Force. It has also been mentioned in the affidavit that so far as the claim towards HRA and Transportation Allowance, mentioned in paragraph 3-D & F, is concerned, the same have already been cleared off.

On the contrary, learned counsel for the applicant states that only one payment with respect to posting transport allowance, mentioned in paragraph 3-F of the affidavit, filed by the respondents, has only been made to the applicant.

Accordingly, the Joint CDA, Subrata Park, New Delhi, is directed to appear in person before this Court along with the entire dues towards the applicant on 27.5.2015. It is, however, clarified that if all the dues of the applicant are cleared of in the meantime, he need not appear in person.

List on 27.5.2015 for orders 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. 1202 of 2014 with M.A. No. 1312 of 2014 & M.A. No. 1670 of 2014

Poonam Devi

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>27.04.2015</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 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 case. Accordingly, M.A. No. 1202 of 2014 with M.A. No. 1312 of 2014 & M.A. No. 1670 of 2014 are dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 240 of 2012

Amar 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>27.04.2015</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: Ms. Navita Sharma, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri Ratnesh Lal, learned counsel for the respondents, is not present in Court.</p> <p>On call of the case learned counsel for the applicant prays for and is granted further two weeks' time to file rejoinder affidavit.</p> <p>List on 20.7.2015 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. 30 of 2011

Ram Kishore 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>27.04.2015</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 Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>No one appears for the applicant.</p> <p>In this case the applicant after being convicted was sent to jail but later on he was released on bail by the Hon'ble Allahabad High Court but later on the bail granted to the applicant was cancelled and CJM, Fatehpur, was directed to take necessary steps, i.e. to ensure arrest of the applicant. The CJM, Fatehpur, vide letter dated 20.2.2015 informed this Court that he has already sent strict direction to the S.P., Fatehpur, to arrest the applicant but as to whether any action under Sections 82-83 Cr.P.C. has been initiated against the applicant or not is not mentioned.</p> <p>Let fresh notice be issued to CJM, Fatehpur, to take initiative so that the applicant be arrested earliest and inform this Court within three months about the outcome of his initiative.</p> <p>List on 19.8.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p>

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

(Justice Abdul Mateen)
Member (J)

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 16 of 2010

Brij Kishor

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>27.04.2015</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 Mohd. Tariq holding brief of Shri M.K. Singh, 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>On call of the case Shri Mohd. Tariq prays for adjournment since his senior Shri M.K. Singh has gone to Bihar to look after his property there as it got damaged due to natural calamity of earth quake occurred on 25th instant. Accordingly, the case is adjourned for the day.</p> <p>List on.13.5.2015 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

O.A. No. 408 of 2012

Rakesh Kumar

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.04.2015</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.K. Shukla, 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>This O.A. has been preferred by the applicant challenging the order dated 27.4.2012, contained in Annexure '1' to the O.A., by means of which the applicant's wife was informed about the dismissal of service of the applicant after SCM proceedings drawn against him.</p> <p>Learned counsel for the applicant submits that the copy of the SCM proceedings was not handed over to the applicant at that time. It has been received only when the respondents filed counter affidavit in this O.A. annexing therewith a copy of the SCM proceedings. Learned counsel for the applicant further submits that since now the applicant is equipped with the dismissal order as well as copy of SCM proceedings, therefore, the applicant intends to avail the alternative remedy as provided under Section 164 of the Army Act, available to him, and to prefer a petition under Section 164 of the</p>

Army Act before the COAS.

Learned counsel for the applicant, therefore, prays that this O.A. be dismissed on the ground of alternative remedy with liberty to the applicant to move a petition before the COAS under Section 164 of the Army Act.

As prayed, this O.A. is dismissed with liberty to the applicant to file a petition before the COAS under Section 164 of the Army Act within two weeks from today.

(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. 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

24.04.2015

Hon'ble Mr. Justice Abdul Mateen, Member (J)

Hon'ble Lt. Gen. A.M. Verma, Member (A)

Dismissed.

For judgment and order, see our judgment and order of date passed
in separate sheets.

(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. 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>24.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajesh Kumar on behalf of respondents no. 1 to 3 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This Execution Application has been moved by the applicant to the effect that the representation so preferred by the applicant on 13.7.2014 in pursuance of the judgment and order dated 7.7.2014, passed by this Court in O.A. No. 91 of 2014, directing the respondents to decide the said representation within a period of three months, has not yet been disposed of by the respondents.</p> <p>Learned counsel for the respondents prays and is granted two weeks' time to obtain instruction from the authorities concerned.</p> <p>List on 25.5.2015 for orders/admission before the appropriate Court</p>

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. 26 of 2011 with M.A. No. 708 of 2014 & M.A. No. 627 of 2015

(Inre : T.A. No.146 of 2010)

Ravindra Singh Kushwah

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>24.04.2015</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 learned counsel for the applicant submits that he could not brought the filed of this case today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>List on 26.5.2015 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

**EX.-A. No. 01 of 2014 with M.A. No. 1781 of 2014 & 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>24.04.2015</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 Ms. Deepti Prasad Bajpai learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This Execution Application has been filed by the applicant aggrieved against non-compliance of the judgment and order dated 17.7.2013, passed by this Tribunal in T.A. No. 858 of 2010.</p> <p>The respondents have filed an affidavit on 5.12.2014 indicating therein that all the dues amounting to Rs. 24,21,623 have been cleared, which includes pension and other benefits, which is being denied by learned counsel for the applicant.</p> <p>Learned counsel for the applicant is, therefore, directed to file an affidavit within two weeks specifically indicating therein whether any amount has been paid to the applicant or not. He is also directed to file a photo-copy of the applicant's Bank Pass Book .</p> <p>List on 27.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p>

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

(Justice Abdul Mateen)
Member (J)

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 272 of 2013

Pravat Kumar Behuria

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>24.04.2015</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.S. Rajawat, learned counsel for the applicant, and Shri R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 1214 of 2014.</u></p> <p>This is an application for amendment of the Original Application, moved by the applicant.</p> <p>The submission of learned counsel for the applicant is that after initiation of SCM, punishment was awarded to the applicant and aggrieved against the applicant preferred a petition before the COAS under Section 164 of the Army Act and since this petition has been decided by the COAS the applicant intends to challenge the same also by means of this amendment application.</p> <p>A copy of this application was given to the respondents on 16.9.2014 but no objection has yet been filed by the respondents.</p> <p>After going through the amendment application we are of the view that if the O.A. is amended it will not change the nature of the case.</p>

Accordingly, this application is allowed. Learned counsel for the applicant is directed to carry out necessary amendments in the O.A. within a week.

Learned counsel for the respondents is granted ten days' time to file counter affidavit on the amended O.A. within ten days.

List for admission on 11.8.2015 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

O.A. No. 124 of 2014 with M.A. No. 624 of 2015

Prem Singh Negi

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>24.04.2015</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 Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the respondents is not present in Court.</p> <p><u>Misc. Application No. 624 of 2015.</u></p> <p>This is an application for taking rejoinder affidavit on record.</p> <p>Rejoinder affidavit is taken on record. The application is, accordingly, disposed of.</p> <p>List on 28.5.2015 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

T.A. No. 1091 of 2010

Shiv Bahadur 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>24.04.2015</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.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>As per office report the notice issued to respondent no. 6 has returned back unserved.</p> <p>Learned counsel for the applicant submits that there is other address of respondent no. 6 as Shri Debashish Ghosh, 29 Signals Vihar, Mhow-453443 (M.P.). Learned counsel, therefore, prays that notice be sent to respondent no. 6 to the above address.</p> <p>Issue notice again to respondent no. 6 on the above address.</p> <p>Learned counsel for the applicant is directed to take steps within two days for service of notice on respondent no. 6 on the above address. If steps are taken, the office is directed to issue notice to respondent no. 6 on the above address within a week.</p> <p>List for orders on 13.8.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p>

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

(Justice Abdul Mateen)
Member (J)

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 571 of 2010

Bhanwar Pal Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Air Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.04.2015</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 Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>After hearing Shri Rohit Kumar, learned counsel for the applicant, at some length, he states that he intends to amend the T.A. for the reason that since the punishment awarded to the applicant in SCM proceedings is only to the effect of reduction in rank and to suffer 89 days R.I. which does not fall within the parameter of Section 3(o)(iv) of the A.F.T. Act, 2007.</p> <p>As prayed, three weeks' time is granted to learned counsel for the applicant to file amendment application after serving a copy of the same on learned counsel for the respondents.</p> <p>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) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p>

	PG.
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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>24.04.2015</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 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 for hearing on 25.5.2015 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

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>24.04.2015</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 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 for hearing on 26.5.2015 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

T.A. No. 635 of 2010

Anil Joshi

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>24.04.2015</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 Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>After hearing Shri Rohit Kumar, learned counsel for the applicant, at some length, he states that he intends to amend the T.A. for the reason that since the punishment awarded to the applicant in SCM proceedings is only to the effect of reduction in rank and to suffer three months' R.I. which does not fall within the parameter of Section 3(o)(iv) of the A.F.T. Act, 2007.</p> <p>As prayed, three weeks' time is granted to learned counsel for the applicant to file amendment application after serving a copy of the same on learned counsel for the respondents.</p> <p>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) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p>

	PG.
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Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 3
O.A. No. 1 of 2009

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

Notes of the Registry	Orders of the Tribunal
	<p><u>24.04.2015</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 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>

Heard Shri. P.N. Chaturvedi, learned counsel for the applicant at some length. His arguments concluded. For reply Shri Rajesh Kumar, learned counsel for respondents as well as Capt, Ridhishri will place their rebuttal on next date.

List for further hearing on 30.4.2015.

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

(Justice Abdul Mateen)
Member (J)

rpm.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 284 of 2010

Umesh Kumar Chourasia

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>24.04.2015</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 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 on 15.07.2015 for hearing, 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

M.A. No. 757 of 2015
(Inre O.A. No. 12 of 2015 & 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>23.04.2015</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 Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;"><u>Misc. Application No. 757 of 2015.</u></p> <p>This restoration application, supported with an affidavit, has been moved by the applicant for recall of the order dated 19.3.2015 dismissing M.A. No. 360 of 2015 and O.A. No. 12 of 2015 for non-prosecution.</p> <p>Heard the applicant, who is appearing in person, and perused the affidavit filed in support of this application. The reason shown in the affidavit for his non-appearance on 19.3.2015 seem to be genuine. Accordingly, the order dated 19.3.2015 is hereby recalled and M.A. No. 360 of 2015 and O.A. No. 12 of 2015 are restored to their original numbers.</p> <p>List for admission on 25.5.2015 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

O.A. No. 75 of 2015

Ravi SinghThakur

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>23.04.2015</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 D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri D.K. Pandey, learned counsel for the respondents, states that he has just received the comments from the Department for filing objection in this case. Shri Pandey, therefore, prays for and is granted further three weeks' time and no more to file objection.</p> <p>List on 29.5.2015 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. 1210 of 2015 with M.A. No. 1344 of 2014 & M.A. No. 422 of 2015

Gajraj Singh Thakur

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>23.04.2015</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>After hearing at some length learned counsel for the applicant prays that he be granted some time to prepare the brief thoroughly. Accordingly, the case is adjourned for the day.</p> <p>List on 20.5.2015 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. 65 of 2012

Ganga Ram Chaubey

By Legal Practitioner for Applicant

Applicant

Versus

CO, 107 A.D. Regt & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.04.2015</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 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>Heard learned counsel for the parties.</p> <p>Aggrieved against reversion from the post of Havildar to Naik the applicant had preferred this petition before the Hon'ble Allahabad High Court. This petition, on being transferred before this Tribunal, has been registered as T.A. No. 65 of 2012.</p> <p>Learned counsel for the respondents submits that the reversion order is based upon declaration of the applicant as an absconder since he absented himself from his duties without obtaining prior leave from the competent authority.</p> <p>As per roster dated 29.9.2014 the reversion matter lies before another Court since the reversion of the applicant is not based upon the proceedings under SCM or DCM or Summary Trial.</p> <p>Office is, therefore, directed to list this case on 11.5.2015 before the</p>

Court concerned as per roster dated 29.9.2014.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

EX-A. No. 01 of 2014 with M.A. No. 1781 of 2014 & 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>23.04.2015</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: Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case in the revised list, no one appears for the applicant. However, in the interest of justice put up/list this case tomorrow, i.e. on 24.4.2015.</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

M.A. No. 717 of 2015 with M.A. No. 661 of 2013

(Inre : O.A. No. Nil of 2015)

Vikas 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>23.04.2015</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 V.A. Singh, learned counsel for the applicant, and Sgt. S.K. Pandey, Departmental Representative.</p> <p>Shri A.K. Singh, learned counsel for the respondents, is not present in Court.</p> <p><u>Misc. Applications No. 661 of 2013 and 717 of 2015.</u></p> <p>Heard learned counsel for the applicant.</p> <p>These two applications have been filed by the applicant supported with affidavits for amendment to the delay condonation application.</p> <p>After hearing learned counsel for the applicant we allow both these applications. Learned counsel for the applicant is directed to incorporate the amendments within two weeks and serve amended copy thereof on learned counsel for the respondents. The respondents may file objection there on, if any, within two weeks thereafter.</p> <p>List on 29.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p>

(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. 319 of 2012

Sooraj Pal 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>23.04.2015</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 Vinay Pandey holding brief of 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 Shri Vinay Pandey stated that he intends to file reply to the objection filed by the respondents in the amendment application. He, therefore, prays for and is granted three weeks' time for the same.</p> <p>List on 28.7.2015 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.(A). No. 251 of 2014 with M.A. No. 686 of 2015

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>23.04.2015</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 Prakhar Kankan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case in the revised list no one appears for the applicant. Accordingly, O.A.(A) No. 251 of 2014 and M.A. No. 686 of 2015 are dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 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>23.04.2015</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 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. 83 of 2013 with M.A. No. 153 of 2015

Shyam Sunder 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>23.04.2015</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 Vinay Pandey holding brief of Shri P.N. Chatgurvedi, 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 Shri Vinay Pandey stated that he intends to file reply to the supplementary counter affidavit, filed by the respondents. He, therefore, prays for and is granted three weeks' time to file supplementary rejoinder affidavit.</p> <p>List on 29.7.2015 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. 164 of 2010

Lal Muni Upadhyay

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>23.04.2015</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 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. 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>23.04.2015</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.</p> <p>List for further hearing on 24.4.2015.</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. 164 of 2010

Lal Muni Upadhyay

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>23.04.2015</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: Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case in revised list, no one appears on behalf of the applicant, neither there is any request to adjourn/pass over the case.</p> <p>Accordingly, Transfer Application No. 164 of 2010 is dismissed for non-prosecution.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>rpm.</p>