

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

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

Nb Sub Om Prakash

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case in revised list, Shri P.N. Chaturvedi, learned counsel for the applicant appears and states that he intends to file Supplementary Rejoinder Affidavit for which he prays some time. Although Shri Mukund Tewari, learned counsel for the respondents has already filed objection on maintainability of this Original Application.</p> <p>As prayed list on 20.4.2015 for admission on maintainability.</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. 1064 of 2013
(Inre: O.A. No. Nil of 2013)

Nil Kant 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>13.04.2015</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 Anuj Dayal, 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 1064 of 2013.</u></p> <p>This application has been filed for condoning the delay in filing the original application where by prayer is made for quashing the out come of the Summary Court Martial culminating dismissal from service and six months RI and also prayer for service pension to the applicant .</p> <p>Objection made by the learned standing counsel are (i) as to whether before quashing of Summary Court Martial Proceeding, applicant is entitled for service pension or not and (ii) first petition before Hon'ble High Court, Delhi which was dismissed and in second petition while considering the petition which was again filed before Delhi High Court, it was ordered that the applicant should approach this court. (iii) This Original Application filed in this Tribunal is delayed by about 13 years against the order of punishment which is dated 7.01 1999.</p> <p>Learned counsel for the applicant prays some time to seek instructions from his senior to reply the objection.</p> <p>List on 29.4.2015 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 492 of 2015

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

Nil Kant Gain

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>13.04.2015</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 Anuj Dayal, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>See our order on Misc. Application No 1064 of 2013.</p> <p>List on 29.4.2015 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 727 of 2010

Jaswant 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>13.04.2015</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 Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case, Shri. V.P. Pandey learned counsel for the applicant states that he has challenged the entries which were recorded in the character roll which had debarred his client for promotion to the rank of Naib Risaldar. But we are surprised to note that it is no where mentioned in the entire petition that the entry for which year is required to be quashed for promotion to the next rank.</p> <p>Learned counsel for the applicant prays for and is granted a week time to go through the contents of the petition.</p> <p>List on 29.4.2015 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 69 of 2013 with M.A. No. 66 of 2015

Col Dayanand

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>13.04.2015</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 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>This Misc. Application no. 66 of 2015 for amendment of original application moved by the applicant after serving copy of the same upon learned counsel for the respondent on 12.01.2015.</p> <p>Learned standing counsel prays for and is granted three weeks' and no more time to file objection on the above mentioned amendment application.</p> <p>List on 20.5.2015 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> <p>rpm.</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 (Inre: O.A. No. Nil of 2014)**

Sgt Kesho Dubey

Applicant

By Legal Practitioner for Applicant

Versus

Air Chief Marshal Arup Raha

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.04.2015</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 Wing Commander S.K. Pandey, Departmental Representative.</p> <p><u>M.A. No. 118 of 2015.</u></p> <p>This application has been moved by the applicant where in Para 5 of the application he claims certain amounts which has not yet been paid in pursuance of the Execution of the Judgment and order passed on 13.09.2013. On the other hand, Shri A.K. Singh learned counsel for the respondents has stated that all the necessary dues has been paid.</p> <p>We direct learned standing counsel to file an affidavit that the amount due to the applicant as mentioned in aforesaid application has been paid or not within a week.</p> <p>List on 27.4.2015 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 129 of 2013

Rajendra 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>13.04.2015</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 Smt. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case , Shri V.P.Pandey, learned counsel for the applicant appeared and stated that he has received a copy of Counter Affidavit today as such prays for and is granted two weeks' time to file Rejoinder Affidavit.</p> <p>List on 12.5.2015 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 175 of 2014

Lt Col Harshwardhan 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>13.04.2015</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>On call of the case Shri Alok mathur, advocate holding brief of Shri R.K. Verma, learned counsel for the applicant appeared and stated that Notice issued to respondent no. 5 has not yet been returned back as served or unserved. Accordingly, this court will wait for service of Notice to respondent no. 5.</p> <p>Shri Mukund Tewari, learned standing counsel also stated that he has not yet received any instruction from the respondent no. 4 as such he has not filed power on behalf of the respondent no. 4.</p> <p>We direct the office to list this matter on 21.05.15 after waiting service of Notice to respondent no 5.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

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

Pradeep Kumar

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.04.2015</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>On call of the case , Learned counsel for the respondents prays for and is granted three weeks' and no more time to file counter affidavit.</p> <p>List on 20.05.2015 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1459 of 2010

Ram Naresh Ram

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.04.2015</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 Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This case has come before this court in pursuance of the order passed by Hon'ble HOD on 26.3.2015 in pursuance of this court's order dated 24.3.2015.</p> <p>On call of the case, Shri P.K. Shukla, learned counsel for the applicant appears and intends to file Supplementary Rejoinder affidavit for which he prays and granted 10 days time for the same.</p> <p>List on 21.5.2015 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> <p>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 200 of 2013

Dinesh Kumar

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>13.04.2015</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, Shri Rajkumar, advocate holding brief of Shri Yashpal Singh, learned counsel for the applicant appears and states that Shri Yashpal Singh is out of station as such matter be adjourned. Accordingly the case is adjourned.</p> <p>List 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 298 of 2013

Ram Das

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>13.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Heard Shri A.K. Maurya and Shri. O.P. Kushwaha, learned counsels for the applicant, and Shri Prakhar Kankan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Arguments concluded.</p> <p>Judgement reserved.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 538 of 2010

Indra Jeet 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>13.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case, Shri Rajkumar, advocate holding brief of Shri Yashpal Singh, learned counsel for the applicant appears and states that Shri Yashpal Singh is out of station as such matter be adjourned. Accordingly the case is adjourned.</p> <p>List on 9.7.2015 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 1103 of 2010

RN Mishra
In Person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.04.2015</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 on behalf of the applicant, neither there is any request to adjourn/pass over the case.</p> <p>Accordingly, this Transfer Application No. 1103 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>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 58 of 2013

Ex Major P Raghvan

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>10.04.2015</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 Rajeev Sharma, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On 17.10.2013, this court had directed to list this case along with T.A. No 419 of 2010, Dr. Subhash Chandra Raj Vs Union of India, since the applicant jointly tried with Dr. Subhash Chandra Raj on the basis of same set of evidence in joint Court Martial Proceedings.</p> <p>Accordingly, we direct the office to list this case along with T.A. No. 419 of 2010 as indicated above. Learned Standing Counsel is also directed to bring original record again on the next date.</p> <p>List on 22.7.2015 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>rpm.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

**M.A. No. 1291 of 2014 with M.A. No 1292 of 2014
(Inre: M.A. No. 329 of 2013 & O.A. No. 43 of 2011)**

Kuldeep Chander Raina
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This is an application for review of judgment and order dated 08 February 2013 passed in O.A. No. 43 of 2011.</p> <p>Put up this case before the Court concerned in circulation.</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. 718 of 2015
(Inre: O.A. No. 12 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>10.04.2015</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><u>Misc. Application No. 718 of 2015.</u></p> <p>On call of the case the applicant appeared in person and after arguing at some length he prays that he be permitted to withdraw this application with liberty to file a fresh application.</p> <p>Accordingly, this application stands dismissed as withdrawn with liberty to the applicant to file a fresh application.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

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

Abhishek Pandey

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri T.N. Tiwari, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Wg. Cdr. S.K. Pandey, Departmental Representative.</p> <p><u>Misc. Application No. 599 of 2015.</u></p> <p>Heard learned counsel for the respondents on this application relating to maintainability of this O.A.</p> <p>As argued by learned counsel for the respondents this case do not fill within the parameter of Section 6(2) of the A.F.T. Procedure Rules 2008, as such the O.A. is not maintainable before the Lucknow Bench of this Tribunal since the applicant is resident of Bihar and is aggrieved against the order of dismissal.</p> <p>Learned counsel for the applicant on the contrary submits that no doubt the applicant is residing in Bihar but since the entire DCM proceeding was initiated within the jurisdiction of this Regional Bench of the AFT as such part of cause of action falls within the jurisdiction of this Regional Bench and as such this O.A. is maintainable before this Bench.</p> <p>Learned counsel for the applicant request to produce some case law in support of his submission.</p> <p>List on 16.4.2015 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. 1271 of 2010

Raj 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>10.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the applicant on the question of admission of this T.A.</p> <p>The applicant having aggrieved against GCM proceedings initiated against him along with two other accused, viz. A. Das and K. Kamraj, with respect to the charge levelled against them under Section 52(a) of the Army Act. Our attention has been drawn by learned counsel for the applicant that the applicant cannot be tried under Section 52(a) of the Army Act along with Section 34 I.P.C.</p> <p>The charge-sheet indicates that theft has been committed with respect to four barrels of diesel containing 816 Lts. being property of the Government. It has been submitted by learned counsel for the applicant that civilians to whom the diesel was transferred/sold could not have been dealt with by the Army in the trial and they ought to have been prosecuted by lodging FIR against them, which has not been done in the present case. Further it has been argued that Army Rule 22 has not been followed.</p> <p>There seem 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</p>

exchanged in this case and the matter is of the year 2010, office is directed to list this case on 20.5.2015 for hearing 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. 36 of 2013

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>10.04.2015</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: Lt. Col. A.K. Saxena (Retd.), learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, 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 29.4.2015 for admission. It is expected that by the next date learned counsel for the applicant shall file amended copy of the T.A. along with its annexures to make it a complete petition after service a copy of the same on learned counsel for the respondents.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 80 of 2013 with M.A. No. 1730 of 2014

Smt. Chanchala 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>10.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This case has been wrongly listed before this Court since the matter relates to disability pension.</p> <p>Office is directed to list this case on 28.4.2015 before the appropriate Court having jurisdiction in the matter.</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. 400 of 2014 with M.A. No. 1334 of 2014 and M.A. No. 1339 of 2014

(Inre: O.A. No. 334 of 2011)

RD Sharma

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>10.04.2015</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 call of the case learned counsel for the applicant appeared and stated that the judgment and order dated 5.12.2013, passed by this Tribunal in O.A. No. 334 of 2011 has been fully complied with and this M.A. No. 400 of 2014 is now rendered infructuous.</p> <p>According M.A. No. 400 of 2014 is dismissed as infructuous.</p> <p>Let the file be consigned in the Record Room.</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. 596 of 2010

Udai Veer 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>10.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the applicant prays for and is granted three weeks' further time to file amendment application.</p> <p>List on 7.5.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 302 of 2011

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>09.04.2015</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 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 states that he intends to move an amendment application. He, therefore, prays for and is granted two days' time to file amendment application.</p> <p>List on 27.4.2015 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. 121 of 2012

Talak Mahmood

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>09.04.2015</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>On call of the case in the revised list no one appears for the applicant.</p> <p>While going through the record we find that the matter pertains to pension.</p> <p>Accordingly, office is directed to list this case on 6.5.2015 before the Court concerned.</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. 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>09.04.2015</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: justify;">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 style="text-align: justify;">Heard learned counsel for the parties.</p> <p style="text-align: justify;">The petitioner aggrieved against the punishment of reduction in rank in DCM proceedings, dismissal from service and sentencing him to 9 months' R.I., initially, filed Writ Petition No. 24149 of 2004 before the Hon'ble Allahabad High Court which has been transferred before this Tribunal and renumbered as T.A. No. 531 of 2010.</p> <p style="text-align: justify;">The argument advanced by learned counsel for the applicant/petitioner is to the effect that the petitioner was charged for commission of offence under Section 69 of the Army Act, i.e. using criminal force on Ms. Veena Devi, daughter of Madan Singh, to outrage her modesty. His submission is that Ms. Veena Devi was produced as witness before the DCM but she could not identify the applicant and inspite of that the applicant has been convicted in revision.</p> <p style="text-align: justify;">The further argument of learned counsel for the applicant is that the FIR was lodged being case Crime No. 208 of 1993 under Sections 376 and 511 I.P.C., P.S. Rajpur, District Dehradun, by this girl, Ms. Veena Devi, against the accused applicant which ultimately culminated in the shape of final report under Section 169 Cr.P.C. and the criminal proceedings, thus, ended without there being any protest on the part of the girl and as such the proceedings in DCM could not have been initiated against the applicant for the reason that there was no such complaint before the Army.</p> <p style="text-align: justify;">On the contrary, Shri Mukund Tewari, learned counsel for the</p>

respondents, submits that the Army was fully competent to take cognizance with respect to an alleged offence said to have been committed under Section 69 of the Army Act for commission of the said offence.

We find that the argument raised needs scrutiny and are arguable in nature. We also find that against the conviction of the applicant in DCM the applicant preferred appeal before the COAS under Section 164(2) of the Army Act which has also been rejected, vide order dated 7.12.1999, but we are surprised to note that the petitioner has not made any prayer to quash the aforesaid order of the COAS. Shri Chaturvedi submits that he intends to amend the petition. He, therefore, prays for and is granted a week's time to file amendment application, but, nevertheless, the point raised during argument seems to be cogent, we **admit** this T.A. subject to amendment application is filed.

List this case on 6.5.2015 for orders on the amendment application 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. 700 of 2010

Anand Kumar Srivastava

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>09.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri D.P. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case the applicant, Shri Annd Kumar Srivastava, appeared and stated that he intends to engage another counsel. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>Since the matter is of 2010, the office is directed to list this case for admission on 20.4.2015 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. 794 of 2010 with M.A. No. 1686 of 2014

Surendra Singh Yadav

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>09.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Ms. Deepti Prasad Bajpai, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on the question of admission of this T.A.</p> <p>This T.A. has been filed challenging the administrative proceedings taken against the applicant by which the applicant has been discharged.</p> <p>It has been stated by learned counsel for the applicant that initially disciplinary action was taken against the applicant which was duly taken in the shape of SCM and in conclusion of SCM proceedings the applicant was convicted for three months' RI and dismissal from service. Later on, the reviewing authority in November 1992 set aside the aforesaid conviction and sentence and the applicant was taken back into service. Thereafter, after issuing show-cause notice dated 27.5.1993, the applicant has been discharged from service on 10.7.1993.</p> <p>The argument put forward by learned counsel for the applicant is that once SCM proceedings had taken place issuance of show-cause notice to the applicant in an administrative action is bad in law. The point seems to be arguable. Accordingly, we admit this T.A.</p> <p>Since counter and rejoinder affidavits have already been</p>

exchanged and the matter is of 2010, list this case on 9.7.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date. On the said date it is expected that the respondents shall produce the entire SCM proceedings and the order passed by the Reviewing Authority.

(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. 1279 of 2010

Naresh 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>09.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>According to learned counsel for the applicant, the question that arises in this case is as to whether Army Rule 22 has been followed during Court of Inquiry and framing of charge on the basis of evidence so collected before initiation of proceedings in SCM or not.</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 and the matter is of the year 2010, the office is directed to list this case for hearing on 14.5.2015 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. 18 of 2012 with T.A. No. 531 of 2010

Rishi Pal 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>09.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant submits that against the award of punishment in DCM proceedings the applicant preferred a petition before the COAS under Section 164(2) of the Army Act which has been rejected by the COAS, but the order of the COAS has not been challenged in this T.A. He, therefore, prays for and is granted a week's time to file amendment application to amend the prayer clause.</p> <p>List on 27.4.2015 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. 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

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant stated that inspite of the O.A. having been allowed as far back as on 17.7.2014 setting aside the order of dismissal and directing the respondents to treat the applicant notionally in service until he attains the service which allows him to receive pension and granting him pension with effect from the date of discharge from service which allows him to be eligible for pension, the applicant has not been provided pension and, therefore, this Execution Application has seen the light of the day.</p> <p>We find almost in every case the orders of this Tribunal are not being followed by the respondents in time.</p> <p>In this case, on the last three occasions the respondents initially took time for issuing PPO and ultimately PPO has been issued for grant of pension to the applicant, but Shri Rohit Kumar, learned counsel for the applicant, submits that his client has not yet received any pension.</p> <p>Shri Rajesh Kumar, learned counsel for the respondents, submits that no doubt PPO has been issued but the Bank, viz. the Chief Manager, State Bank of India, Centralised Pension Processing Centre, 2nd Floor, Chandani Chowk Premises Branch, Delhi-110 006, to whom PPO has been sent for issuance of pension, is sitting tight over the same and to honour the PPO.</p> <p>Let, therefore, notice be issued to the Chief Manager, State Bank of India, Centralised Pension Processing Centre, 2nd Floor, Chandani Chowk</p>

Premises Branch, Delhi-110 006, to show cause by 30.4.2015 as to why and under what circumstances PPO issued by the respondents on 13.2.2015 and communicated to the Bank on 19.2.2015 for release of pension to the applicant has not yet been honoured. The Chief Manager shall also show-cause as to why due to non-payment of pension to the applicant, inspite of the matter having been brought to their notice by means of communication from the Senior Record Officer, Records, The Kumaon Regiment, PIN 900473, C/o 56 APO, heavy cost be not imposed.

List on 30.4.2015 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. 382 of 2014

(Inre: EXA. No. 34 of 2013 & O.A. No. 253 of 2011)

Tapeshwar Singh

By Legal Practitioner for Applicant

Applicant

Versus

GOC-in-C & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>09.04.2015</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>The present Execution Application has been filed by the applicant aggrieved against non-implementation of the judgment and order dated 17.10.2012, passed by this Tribunal in O.A. No. 253 of 2011, in its true spirit, meaning thereby that the applicant who was medically boarded out of service from the Army was required to be reconsidered in view of para 143 of the Regulations for the Army, 1987, which gives relaxation to such Army personnel who have been medically boarded out of service to be re-examined medically and be declared fit by the Medical Authority and they be enrolled. The respondents have filed compliance report annexing therewith the order dated 11.4.2013 passed by the Brig. J.S. Dhull, OIC Records as Annexure '2' thereof. The order of the Brigadier OIC Records is totally contrary to the aforesaid judgment and order passed by this Tribunal.</p> <p>Let notice be issued to OIC Records, EME Records, PIN 900453, C/o 56 APO, to appear before this Court in person on 21.5.2015 along with the record of the applicant and to satisfy this Court as to why and under what circumstances he has passed the aforesaid order dated 11.4.2013 under Regulation 143 of the</p>

Regulations for the Army contrary to the observations made by this Tribunal in the aforesaid judgment and order dated 17.10.2012

List this case again on 21.5.2015 for further orders.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 180 of 2015 with M.A. No. 181 of 2015
(Inre: M.A. No. 661 of 2013 & 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>09.04.2015</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 Shri A.K. Singh, learned counsel for the respondents, along with Sgt. S.K. Pandey, 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 23.4.2015 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. 204 of 2014

Ved 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>09.04.2015</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 Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri R. Chaubay, learned counsel for the applicant is not present.</p> <p>On call of the case Shri P.K. Shukla, Advocate, appeared and stated that he is holding the brief of Shri R. Chaubay, learned counsel for the applicant. On hearing Shri Shukla at some length it comes out that prayer (b) in the O.A. has been made with respect to recall/set aside the order dated 2.4.2014, passed by this Tribunal. On being pointed out Shri Shukla, who has not even filed any Vakalatnama on behalf of the applicant, submits that this case will be argued by Shri R. Chaubey and prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list this case again on 7.9.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 269 of 2010

Narayan Prasad Chamar
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>09.04.2015</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.N. Shukla, 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 10.10.2014 notice was directed to be issued to respondent no. 5 on the address provided by Ms. Deepti Prasad Bajpai but the office report dated 20.1.2015 and 2.3.2015 indicates that steps have not yet been taken by learned counsel for the applicant. Learned counsel for the applicant states that he is ready to take steps but since he was under the impression that the notice will be issued by the Registrar of this Tribunal he could not take steps earlier.</p> <p>Let steps be taken by learned counsel for the applicant by 14.4.2015.</p> <p>The office is directed to issue notice to respondent no. 5, Colonel Brij Bhushan Mutreja, on the address provided by Ms. Deepti Prasad Bajpai, learned counsel for the respondents, fixing 7.8.2015.</p> <p>List on 7.8.2015 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

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>09.04.2015</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 B.P.S. Chauhan, learned counsel for the respondents, is not present.</p> <p>On call of the case Shri P.N. Chaturvedi states that his client has taken back the brief from him and now he is not conducting the case. On the other hand, Shri K.K. Mishra, Advocate, appeared and stated that probably in this case he has filed his Vakalatnama on behalf of the applicant. Shri Mishra, therefore, prays for adjournment to ascertain from the record as to whether he has filed Vakalatnama on behalf of the applicant or not and to inform this Court.</p> <p>Since the matter is of the year 2010 and this case is being adjourned time and again as such, which heavy heart, we are adjourning this case today.</p> <p>List on 29.4.2015 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. 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>08.04.2015</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 04 is taken on record. When the case is next listed his name be shown as counsel for the said respondents.</p> <p>Present: Col. R.N. Singh(Retd) & 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>Learned counsel for the applicant, stated that the applicant was tried by the GCM on being charged under section 302 IPC but after evidence having been recorded the applicant was convicted under Section 304 IPC for 7 years' R.I. and dismissal from service. It is also stated that during Court of Inquiry, presence of accused was must as per section 180 of Army Rules 1954, which was not done. Section 22 of Army Rules, 1954 has also not been complied with during the course of GCM.</p> <p>On query of the Court, Shri Mukund Tewari, learned counsel for the respondent, stated that the copy of Court of Inquiry is also not available and prays some times for the same.</p> <p>As such, we direct learned counsel for the respondent to make available all the records along with Court of Inquiry on the next date.</p> <p>List on 22.5.2015 for further hearing.</p> <p>(Lt. Gen A.M. Verma) Member (A) rpm</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 876 of 2010

R.B. Mishra

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>08.04.2015</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 D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p style="text-align: center;">On call of the case, Shri Vinay Pandey, advocate appears and states that Shri P.N. Chaturvedi has not come to the Court and prays for adjournment of the case. As such the case is adjourned for the day.</p> <p style="text-align: center;">As prayed, list on 30.07.2015 for hearing 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>rpm</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 199 of 2015 with M.A. No. 200 of 2015

(Inre: O.A.(A). No. 210 of 2010)

AK Chatterjee

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>08.04.2015</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 B.P.S. Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 199 of 2015.</u></p> <p>Heard learned counsel for the parties.</p> <p>This substitution application has been moved by the applicants, who happens to be daughters of the deceased applicant, who, according to learned counsel for the applicants, has died on 14.1.2015. A death certificate has also been annexed with this application. It has also been averred that the wife of Ex. Capt. A.K. Chatterjee had predeceased Ex. Capt. A.K. Chatterjee. No objection has been filed by the respondents. Learned counsel for the respondents submits that no objection needs to be filed in this application.</p> <p>Accordingly, this application is allowed. Let amendments be incorporated within a week.</p> <p>List this case on 7.5.2015 for orders/admission on 7.5.2015 before the appropriate Court having jurisdiction, as per roster of that date, showing the name of Shri B.P.S. Chauhan as learned counsel for the respondents.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 500 of 2012

Manjit 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>08.04.2015</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 Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on the application for condoning the delay in filing the O.A.</p> <p>While going to the O.A. we find that the annexures so annexed with the O.A. are not legible. Accordingly, learned counsel for the applicant is directed to file legible copies and also typed copies of the annexures within three weeks.</p> <p>Office is directed to list the delay condonation application on 6.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 457 of 2010

Amit Kumar Khatkar

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>08.04.2015</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 6 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri R. Chandra, 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 matter pertains to Chattisgarh. He, therefore, prayed that this case be listed before the Circuit Bench at Jabalpur to enable Shri K.C. Ghildiyal, learned counsel for the applicant, to appear and argue the case.</p> <p>As prayed, list this case on 12.5.2015 before the Circuit Bench at Jabalpur for admission.</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. 1244 of 2010

Virendra 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>08.04.2015</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 Devendra Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties and have gone through the record on the question of admission of this T.A. Originally the applicant/petitioner filed Writ Petition No. 822 of 2003 before the Hon'ble Allahabad High Court, which has now been transferred to this Tribunal and registered as T.A. No. 1244 of 2010.</p> <p>The matter pertains to SCM proceedings initiated against the applicant for overstaying on leave for 154 days, which, ultimately, after trial, resulted dismissal from service of the applicant and 4 months' R.I.</p> <p>Learned counsel for the applicant submits that the reasons for overstaying on leave was forwarded by the applicant during the course of SCM proceedings but that was not considered in correct prospective and the applicant has been convicted with the aforesaid sentences, which, according to learned counsel for the applicant, is disproportionate to the charges so levelled against the applicant and the charges have been wrongly levelled against the applicant. He further submits that the sentence awarded to the applicant is too excessive.</p> <p>There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, the T.A. is admitted.</p> <p>Although counter affidavit has been filed by the respondents, but no rejoinder affidavit is on record. Learned counsel for the applicant prays for</p>

and is granted three weeks' time to file rejoinder affidavit.

If the rejoinder affidavit is filed, the office is directed to list this case for hearing on 8.7.2015, since the matter is pending since the year 2010, 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. 43 of 2010

Ganga Dutt

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>08.04.2015</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 the respondents is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Earlier this case was taken up on 20.5.2014 when a direction was issued to Shri K.C. Ghildiyal, learned counsel for the applicant, to take steps for getting effective service on respondents no. 6 and 8. Office report dated 6.4.2015 indicates that steps have not been taken by learned counsel for the applicant for getting effective service on respondents no. 6 and 8.</p> <p>Today, Shri R. Chandra, learned counsel for the applicant, assures this Court that steps will be taken within two weeks. If steps are taken, notice be issued to respondents no. 6 and 8 indicating therein that this case will be listed before the Circuit Bench at Jabalpur on 15.5.2015.</p> <p>List on 15.5..2015 for orders before the Circuit Bench at Jabalpur.</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. 141 of 2012 with M.A. No. 92 of 2015

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>08.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Nishant Verma, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 92 of 2015.</u></p> <p>Counter affidavit, filed by the respondents, is taken on record. The application stands disposed of accordingly.</p> <p>Learned counsel for the applicant prays for and is granted three weeks' time to file rejoinder affidavit.</p> <p>Further, while going through the record we find that the applicant has been awarded punishment on two charges to the extent of reduction in rank and R.I. for 75 days in SCM proceedings.</p> <p>On the next date learned counsel for the applicant will satisfy this Court as to whether with the aforesaid punishments awarded in SCM this O.A. is maintainable or not before this Tribunal in view of Section 3(o)(iv) of the A.F.T. Act, 2007.</p> <p>List on 22.5.2015 for admission/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. 193 of 2013

Hav 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>08.04.2015</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>Shri Dileep Singh, learned counsel for the respondents, is not present.</p> <p>On call of the case Shri R. Chandra submits that he could not file amendment application in pursuance of the order of this Court dated 8.1.2015. He, therefore, prays for and is granted further three weeks' to file amendment application. On the next date learned counsel for the applicant will satisfy this Court as to whether this O.A. is maintainable before this Tribunal with respect to the punishment so awarded to the applicant by summary disposal and without availing the alternative remedy available to the applicant under the law.</p> <p>List on 7.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A.(A). No. 269 of 2014

Lt Col Manoj 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>08.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the respondents prays for and is granted further six weeks and no more time to file counter affidavit after serving a copy of the same on learned counsel for the applicant. If the counter affidavit is filed, rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 30.7.2015 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.(A). No. 126 of 2009

Surya Bahadur Limbu

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>08.04.2015</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 Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri P.K. Shukla, Advocate, appeared and stated that Shri R. Chaubey, learned counsel for the applicant is confined to bed and is unable to come to this Court. Shri Shukla, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>While going through the order-sheets we find that several adjournments have already been taken by learned counsel for the applicant on one pretext or the other. The matter is pending disposal since the year 1999 firstly before the Lucknow Bench of the Allahabad High and now before this Tribunal.</p> <p>Since it is an old matter, learned counsel for the applicant is directed to make alternative arrangement to argue this case on the next date. It is made clear that no further adjournment will be granted in this case.</p> <p>List on 22.4.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 224 of 2012 with M.A. No. 683 of 2015

Smt. Anju

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>08.04.2015</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 Ashok Singh, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Lt. Col. Subodh Verma & Capt. Ridhishri Sharma, Departmental Representatives.</p> <p><u>Misc. Application No. 683 of 2015.</u></p> <p>Heard learned counsel for the parties on this Misc. Application.</p> <p>In pursuance of the order of this Court dated 10.3.2015 Col. J.K. Malik, Adm. Commndant, Meerut, is present in person. Col. Malik states that in pursuance of the aforesaid order dated 10.3.2015, the applicant, Smt. Anju, has been provided employment in accordance with her qualification as Casual Employee in MH, Meerut. To support his contention appointment letter dated 30.3.2015 has been annexed as Annexure '1' to this application indicating therein that appointment letter has been issued to the applicant as Casual Employee of the Cantt. Bd., Meerut. It has also been submitted that in pursuance of that the applicant has joined her duties on 1.4.2015 and she is performing her duties and since the applicant has already been provided a job at MH, Meerut, under the provisions of dying in harness rules she is comfortable and her job is within the parameters of her qualification.</p> <p>This application, therefore, stands disposed of.</p> <p>Since, in view of the above, the applicant has got a job under the dying in harness rules and is performing her duties at MH, Meerut,</p>

and her grievances have already been fulfilled, no further order is required to be passed in the Original Application. Accordingly, O.A. No. 224 of 2012 also stands disposed of.

(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. 901 of 2010

Sanjay 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>07.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Partly allowed.</p> <p>For judgment and order, see our judgment and order of date passed on separate sheets.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

EX-A. No. 13 of 2015
(Inre: O.A. No. 226 of 2013)

Ram 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>07.04.2015</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 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 Sudhir Kumar Singh, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This execution application has been filed by the applicant for non-compliance of the judgment and order dated 5.8.2013, passed by this Tribunal in O.A. No. 226 of 2013, since, according to the applicant, he has not been reinstated in service and consequential benefits thereto have not been paid to him.</p> <p>While going through the order dated 5.8.2013 we find that by the order dated 5.8.2013, while disposing of O.A. No. 226 of 2013, the respondents were directed to decide the applicant's petition with a speaking order within a specified period.</p> <p>Further we find that in pursuance of the judgment and order passed by this Tribunal in T.A. No. 1484 of 2010 the conviction and sentence of the applicant was set aside including the sentence of dismissal from service and the applicant was acquitted. Thereafter the respondents have allowed the applicant to join his duties on 8.10.2014.</p> <p>It is now admitted fact that the applicant has been reinstated in service but, according to learned counsel for the applicant, no salary is being paid to the applicant by the respondents from the date the applicant has been</p>

reinstated.

This Execution Application has been filed by the applicant alleging that the judgment and order dated 5.8.2013, passed by this Tribunal in O.A. No. 226 of 2013, has not been complied with since after reinstatement in service the applicant has not yet been paid any salary. However, the order dated 5.8.2013, passed in O.A. No. 226 of 2013, is simply with respect to disposal of the applicant's petition within a specified period. Therefore, the grievance of the applicant that, after reinstatement in service, he has not yet been paid any past salary cannot be looked into in this Execution Application. The applicant, if so advised, may take appropriate legal action for redressal of his grievance.

In view of above, this Execution Application being misconceived is hereby dismissed.

(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. 202 of 2012

Vijay Kant Shukla

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>07.04.2015</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 Ishraq Farooqui, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case in the revised list Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and stated that he has received today itself the documents from his client to satisfy this Court with respect to the query made on 23.3.2015 and he intends to file an affidavit supported with an application within two weeks. He, therefore, prays for and is granted two weeks' further time to comply the order of this Court dated 23.3.2015.</p> <p>List on 30.4.2015 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. 87 of 2013

Kuldeep Singh

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.04.2015</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 R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case in the revised list Shri Vinay Pandey holding brief of Shri P.N. Chaturvedi, learned counsel for the applicant, appeared and prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 3.8.2015 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.(A). No. 149 of 2010

Raj Kumar Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.04.2015</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 G.S. Chauhan, learned counsel for the applicant, and Shri Mukund Tewari, learned counsel for the respondents, along with Sgt. S.K. Pandey, Departmental Representative.</p> <p style="text-align: center;"><u>Misc. Application No. 693 of 2015.</u></p> <p>Heard learned counsel for the parties on this application praying for condonation of delay in filing O.A.(A) No. 149 of 2010.</p> <p>The O.A.(A) No. 149 of 2010 has been filed by the applicant, being an Air Force personnel, in the year 2010 challenging the proceedings drawn against him in DCM and subsequent order dated 1.3.1983 dismissing the applicant from service with 6 months' R.I.</p> <p>Later on in view of Section 177 of the Air Force Act, 1950 (called the 'Act' for short), which relates to pardon and remission arising out of Court Martial proceedings, six months' R.I., awarded to the applicant, was remitted to the period already undergone, vide order dated 13.5.1983.</p> <p>It seems and also as comes out from the argument of learned counsel for the applicant that the applicant was satisfied after remission granted to him under Section 177 of the Act and he kept mum till 2008. Suddenly, at a belated stage, on 3.1.2008, he made a representation, in the form of query, to the Air Force Record Office, annexed as Annexure '4' to the O.A.(A) stating therein that he along with members of his family are under starvation and sought necessary assistance to the effect that whether he can appeal departmentally to</p>

the Air Force authorities to reconsider his case and whether he can apply for grant of service pension or any type of financial assistance from defence authorities.

The respondents replied on 6.2.2008 to the applicant on the query made by the applicant on 3.1.2008, which is part of Annexure '4' to the O.A.(A), to the effect that *"In view of the above, it is regretted to inform you that you are not eligible for grant of service pension. However, you may approach to the Marshal of the Air Force & Mrs. Arjan Singh Trust C/o Air Force Association, Race Course Camp, New Delhi-110 003, for financial assistance."*

While this O.A.(A) was filed by the applicant before this Tribunal it was then supported with an affidavit only showing the reasons for the delay in filing the O.A.(A) but no application under Section 5 of the Limitation Act for condoning the delay was filed in support of the aforesaid affidavit.

The applicant, on being pointed out by this Court, filed the aforesaid M.A. No. 693 of 2015 on 4.2.2015 and the same is now under consideration before this Court. However, in the affidavit each day's delay has not at all been explained so as to condone the delay in filing the aforesaid O.A.(A).

The respondents, on the other hand, filed objections to the delay condonation application specifically indicating therein that the delay has not been explained adequately and satisfactorily. However, according to learned counsel for the respondents, there is a delay of 27 years in filing the O.A.(A). Learned counsel for the respondents argued that as per law laid down by the various Hon'ble High Courts as well as Hon'ble apex Court each day's delay needs to be explained specifically in the delay condonation application.

In the present case the applicant was dismissed on 19.3.1983 and awarded sentence of 6 months' R.I., which sentence was, however, remitted to the period already undergone, vide order dated 13.5.1983. The representation made by the applicant on 3.1.2008 and the reply of the respondents dated 6.2.2008 have already been discussed above.

Thus, it clearly goes to show that from the year 1983 till 2008

there is no specific explanation, rendered by the applicant, for the delay in filing the O.A.(A). The only argument that has been put forth by learned counsel for the applicant is that the applicant was ignorant of the fact and law that there exists a remedy to challenge the order passed in DCM and, therefore, the applicant could not approach before this Tribunal earlier. We are not satisfied with such a vague argument put forth by learned counsel for the applicant.

Apart from the above, we have also seen in this case that the applicant has not availed the remedy provided under Section 161 of the Act which relates to filing a petition against an order of finding or sentence in Court Martial. Thus, as provided under Section 21 of the A.F.T. Act, 2007 too the applicant has not availed the alternative remedy and on this question too learned counsel for the applicant submits that his client was not aware of the same. As such, right from the year 1983 upto the year 2008 the applicant has not cared to avail the remedy provided under Section 161 of the Act for filing a petition before the authority concerned can also not be overlooked on the ground of ignorance of law.

Accordingly, M.A. No. 693 of 2015 is rejected.

Since M.A. No. 693 of 2015 has been rejected, O.A.(A) No. 149 of 2010 stands dismissed at the admission stage itself.

(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. 1019 of 2010 with T.A. No. 1081 of 2010

Sanjio Kumar Prajapati

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>07.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he intends to file amended T.A. As prayed three weeks' further time is granted to file amended T.A.</p> <p>List on 30.4.2015 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. 264 of 2014

Col Mahesh 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>07.04.2015</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 Ajay Kumar Dwivedi holding brief of Shri Harjot 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 respondents prays for and is granted six weeks and no more time to file counter affidavit.</p> <p>List on 20.5.2015 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. 150 of 2010

Devi Sharan Mishra

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.04.2015</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 B.P.S. Chauhan, 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. As per order of this Court the respondents are equipped with the original record today. However, as prayed, the case is adjourned for the day.</p> <p>As prayed, list on 4.8.2015 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. 460 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>07.04.2015</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 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>While going through the order-sheets we find that inspite of order of the Court dated 18.12.2013 and thereafter granting several opportunities in the past, no steps have yet been taken by the applicant for issuing notice to respondents no. 3 and 4. The applicant is again directed to take steps within three weeks.</p> <p>As prayed, list on 5.8.2015 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. 435 of 2012

Islam 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>07.04.2015</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 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 the applicant has died. He thereafter prays that since the applicant has died, this O.A. stands abated.</p> <p>Accordingly, this O.A. is dismissed as abated.</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. 279 of 2013 with M.A. No. 1235 of 2014

Manoj Kumar Sharma

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.04.2015</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><u>Misc. Application No. 1235 of 2014.</u></p> <p>This is an application for taking rejoinder affidavit on record. The application is allowed and the rejoinder affidavit is taken on record.</p> <p>Learned counsel for the applicant prays for adjournment of the case. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 24.8.2015 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. 28 of 2009

Pramod Bhosle

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>07.04.2015</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 R.S. Mishra, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case Shri Vinay Pandey prays for adjournment.</p> <p>It is very sad part of affairs that inspite of amendment application having been allowed as far back as on 24.9.2013 learned counsel for the applicant took no pain to amend the T.A. as yet though several opportunities were granted in the past by the Court in this regard.</p> <p>However, as prayed, three weeks and no more time is granted to learned counsel for the applicant to incorporate the amendment.</p> <p>Since the matter is pending since 2009, office is directed to list this case for hearing 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.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>07.04.2015</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.R. Tripathi, learned counsel for the applicant, and Shri Devendra Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant states that he has recently been engaged in this case and is not in possession of a copy of the supplementary counter affidavit, filed by the respondents. He may, however, obtain a copy of the aforesaid supplementary counter affidavit from the office of this Tribunal on payment of requisite fee within a week and may file supplementary rejoinder affidavit within two weeks thereafter.</p> <p>As prayed, list on 25.5.2015 for hearing before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) Member (A) PG.</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

M.A. No. 248 of 2015 with M.A. No. 260 of 2015

(Inre: M.A. No. 1531 of 2014 & M.A. No. 1532 of 2014 & M.A. No. 463 of 2014)

Govind Singh Rautela

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>07.04.2015</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 on2015 for ... before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Air Marshal Anil Chopra) 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/5/2015

(Inre: T.A. No. 21 of 2009)

Smt. Annapurna 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
-----------------------	------------------------

06.04.2015

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

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

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.

Aggrieved against non-implementation of the judgment and order dated 25.4.2014, passed by this Court in T.A. No. 21 of 2009, the applicant has preferred this Execution Application. The matter relates to family pension.

Learned counsel for the applicant states that though his client has been provided with the papers to be filled in with respect to grant of pension to the applicant, who is a widow of the Army personnel, but the cost of Rs. 50,000/- imposed on the respondents and to be paid to the applicant, vide aforesaid judgment and order dated 25.4.2014, has not yet been paid by the respondents.

The respondents are, therefore, directed to hand over Rs. 50,000/- towards cost of the T.A. to the applicant within a period of three weeks from today, failing which Dy. Commandant, AMC Centre, will appear in person on the next date and will apprise this Court as to why and under what circumstances the cost amount of Rs. 50,000/- has not been paid to the applicant.

List for orders on 1.5.2015.

(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. 159 of 2011

Dev 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>06.04.2015</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 D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties on admission of this O.A.</p> <p>Aggrieved against the dismissal from service in SCM the applicant has preferred this O.A. before this Tribunal.</p> <p>Learned counsel for the applicant submits that Rule 34 of the Army Rules was not complied with for the reason that the charge-sheet was given on 26.9.2002 and the trial proceeded the same day, which is in contravention of Rule 34 of the Army Rules.</p> <p>There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, we admit this O.A.</p> <p>Since counter and rejoinder affidavits have already been exchanged in this case and the matter is of the year 2-011, 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.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 402 of 2011

Dinesh Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.04.2015</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: Major R.D. Singh (Retd.), 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 states that he is not feeling well and prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 28.7.2015 for admission before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 123 of 2011

Rohit Mittal

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>06.04.2015</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 Rajiv Manglik & Shri Rakesh Johri, 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>We have been taken to the charge-sheet dated 10.5.2008 by learned counsel for the petitioner relating to six charges and after holding DCM four charges, viz. charges 1, 3, 5 & 6, out of six charges, were approved and the DCM concluded and found the petitioner guilty of the above four charges and sentenced to be cashiered and to suffer RI for eight years.</p> <p>Learned counsel for the applicant submits that there is infringement of Section 122 of the Army Act since the knowledge of commission of offence came to the knowledge of the applicant on 8.2.2005 and cognizance was taken after the lapse of three years and, thus, the entire proceedings vitiates.</p> <p>We have carefully gone through Annexure 'P-1' to the writ petition dated 8.2.2005 and found that the cognizance with respect to offence was taken after three years.</p> <p>There seems to be some substance in the argument of learned counsel for the petitioner. Therefore, this T.A. is admitted.</p> <p>Since counter and rejoinder affidavits have already been</p>

exchanged in this case and the matter is of the year 2011, the office is directed to list this case on 25.8.2015 for hearing 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. 49 of 2010 with M.A. 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>06.04.2015</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 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 his client has not yet turned up, as such he could not comply the order of this Court dated 19.3.2015. He, therefore, prays for and is granted two weeks' further time to file impleadment application imploding Ms. Raju Giri also as heir and legal representative of the deceased applicant.</p> <p>List on 29.4.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 29 of 2014

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>06.04.2015</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 Prakhari Kankar, 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 two weeks' time to comply with the order dated 31.10.2014.</p> <p>List for orders on 21.4.2015 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. 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>06.04.2015</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>A counter affidavit has been filed by the respondents. Learned counsel for the applicant prays for and is granted three weeks' time to file rejoinder affidavit.</p> <p>List on 28.4.2015 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. 135 of 2012

Parikhan 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>06.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri Ashutosh Kumar Srivastva, 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 is not prepared with the brief today. He, therefore, 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

T.A. No. 347 of 2010

Bishwambhar Dayal

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.04.2015</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 B.P.S. Chauhan, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Learned counsel for the applicant has argued that the accused-applicant, after being charged under Section 69 of the Army Act and without affording the applicant legal assistance or a friend of the accused during the course of SCM as provided under Rule 129 of the Army Rules awarded the punishment. Aggrieved against the applicant has filed Writ Petition No. 16314 of 2001 before the Hon'ble Allahabad High Court, which, ultimately, has been transferred to this Tribunal and registered as T.A. No. 347 of 2010. He further submits that according to the Hon'ble apex Court if a accused is tried either summarily or through DCM or GCM he is to be provided assistance by means of a legal expert or a friend of accused. He, therefore, prays for further time to emphasise on this point also.</p> <p>As prayed, list this case again on 16.4.2015 for further hearing.</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>06.04.2015</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 Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Shri Ratnesh Lal, learned counsel for the respondents, is not present.</p> <p>Aggrieved against the order of dismissal from service and award of six months' R.I. in SCM and also rejection of the petition filed by the applicant before the COAS, the petitioner filed Writ Petition No. 21708 of 2006 before the Hon'ble Allahabad High Court, which has now been transferred to this Tribunal and registered as T.A. No. 603 of 2010 and is pending disposal.</p> <p>Learned counsel for the applicant submits that the punishment awarded to the petitioner in SCM has already been set aside by the officiating GOC, 26 Infantry Division, and he acting under the provisions of Section 163 of the Army Act changed the charge-sheet from Section 40(a) to Section 65 of the Army Act, vide Annexure '2' to the writ petition, meaning thereby that since the finding of 'guilty' arrived at in SCM has already been set aside, there remains nothing and the petitioner, who has already served the Army for a period of 12 years, 9 months and 20 days before passing of the above award in SCM, deserves to be reinstated in service.</p> <p>Capt. Ridhishri Sharma, who is present in Court, is to satisfy this Court as to whether the Brigadier, acting as an Officiating GOC, has got the power under Section 163 of the Army Act to set aside the punishment awarded in SCM or not.</p> <p>In this case we also felt it necessary to go through the original</p>

record.

Accordingly, list this case again on 29.4.2015 for further hearing, on which date the original record will be produced by the respondents.

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

(Justice Abdul Mateen)
Member (J)

PG.

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

T.A. No. 89 of 2012

Pirtu Lakra

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>06.04.2015</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>While hearing the case we felt it necessary to go through the original record. Learned counsel for the respondents is directed to produce the record on the next date.</p> <p>However, Shri Mukund Tewari, learned counsel for the respondents, submits that earlier the applicant, on the same point, filed a writ petition before the Hon'ble Patna High Court which was dismissed on the ground of jurisdiction but the applicant deliberately concealed this fact while filing the present Writ Petition No. 3422 of 2012 before the Hon'ble Allahabad High Court, which, ultimately, has been transferred to this Tribunal and registered as T.A. No. 89 of 2012. Shri Tewari, therefore, submits that this writ petition deserves dismissal only on the aforesaid ground.</p> <p>On the next date Shri Rohit Kumar, learned counsel for the applicant, is required to satisfy this Court on the point raised by Shri Mukund Tewari, learned counsel for the respondents.</p> <p>List this case on 7.7.2015 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

**M.A. No. 1063 of 2014 with M.A. No. 1435 of 2014
(Inre: O.A. No. Nil of 2014)**

Naik Roopendra 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>01.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>This Original Application has been filed by the applicant along with M.A. No. 1063 of 2014 for condoning the delay in filing the O.A.</p> <p>As per office report, there is a delay of 7 months and 24 days in filing the O.A.</p> <p>The reason shown in the affidavit filed along with the delay condonation application seems to be genuine. Accordingly, the delay condonation application is allowed and the delay in filing the O.A. is hereby condoned.</p> <p>Office is directed to register the O.A.</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. 79 of 2015

Naik Roopendra 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>01.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Aggrieved against the order dated 17.5.1999 passed under Section 36(d) of the Army Act debaring the applicant for promotion to the rank of Havildar and not considering the Assured Career Progression (ACP), the applicant has preferred the present O.A. before this Tribunal.</p> <p>The point for consideration is that whether the punishment awarded to the applicant debaring him for further promotion on the basis of ACP falls within the parameter of Section 3(o)(iii) of the A.F.T. Act, 2007 is challengeable before this Tribunal. Learned counsel for the applicant failed to satisfy this Court with respect to entertainment of this O.A. under Section 15 of the A.F.T. Act, 2007. Learned counsel for the applicant only submits this case falls within the parameter of Section 3(o)(iv) of the Act. Section 3(o)(iv) provides that “<i>any other matter, whatsoever,</i>”.</p> <p>We are unable to accept the submission of learned counsel for the applicant. We are of the view that the award of punishment dated 17.5.1999 under Section 36(d) of the Army Act depriving the applicant for further promotion and grant of ACP does not fall within the parameter of Section 3(o) of the A.F.T. Act, 2007.</p> <p>Accordingly, this Original Application No. 79 of 2015 is dismissed being not maintainable before this Tribunal.</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. 1482 of 2014 with M.A. No. 652 of 2015
(Inre: T.A. No. 127 of 2009)

Ravinder 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>01.04.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant, and Shri A.K. Singh, learned counsel for the respondents, along with Wg. Cdr. S.K. Pandey, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This Original Application has been filed by the applicant with an application for condoning the delay in filing the O.A.</p> <p>This Court, vide order dated 11.9.2014, dismissed as infructuous T.A. No. 127 of 2009. In the aforesaid T.A. the petitioner challenged the order dated 12.10.1998 (Annexure No. 'I' to the writ petition) dismissing the petitioner from service denying him extension of engagement. However, in the aforesaid writ petition the petitioner did not challenge the discharge order dated 1.6.2004.</p> <p>Now the applicant, by means of the present O.A., has challenged the order dated 1.6.2004. This is the order by which the applicant was denied extension for promotion.</p> <p>The Hon'ble H.O.D. of this Regional Bench has classified subjectwise cases under Rule 146 of the A.F.T. (Practice) Rules, 2009 in accordance with Form No. 27 of the aforesaid Rules the matter pertains to discharge lies before Court No. 2.</p> <p>The earlier T.A. No. 127 of 2009 challenging the order dated 10.10.1998, was decided by this Court on 11.9.2014 when the order of the Hon'ble H.O.D dated 19.9.2014 subjectwise classifying the cases was not in existence. Now the aforesaid order dated 19.9.2014, passed by the Hon'ble H.O.D., is in existence and, therefore, as per roster this Court has no jurisdiction to try this case.</p>

Office is, therefore, directed to list this case before Court No. 2, as per aforesaid order of the Hon'ble H.O.D. dated 29.9.2014, on 8.4.2015.

(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. 203 of 2013

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>01.04.2015</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 Jitendra Singh, learned counsel for the applicant, and Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Learned counsel for the respondents is not present.</p> <p>On call of the case learned counsel for the applicant states that rejoinder affidavit is ready and will be filed before the Registry during the course of the day. He is permitted to do so.</p> <p>List this case for orders on 18.5.2015 before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 161 of 2014 with M.A. No. 653 of 2015

Sgt Sandeep Singh Kushwaha
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>01.04.2015</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><u>Misc. Application No. 653 of 2015.</u></p> <p>This is an application, filed by the applicant, for taking rejoinder affidavit on record. The application is allowed and the rejoinder affidavit is taken on record.</p> <p>Since counter and rejoinder affidavits have been exchanged in this case, the office is directed to list this case for hearing on 5.8.2015 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. 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>01.04.2015</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 states that he has not yet been able to go through the record to satisfy this Court as to whether this T.A., after having been dismissed for default on 23.7.2001 by the Hon'ble High Court, has been restored or not. He, therefore, prays for and is granted three weeks' further time for the same.</p> <p>List on 28.4.2015 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. 107 of 2012 with M.A. No. 519 of 2015

Sukhbir Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2015</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 respondent is not present in Court.</p> <p><u>Misc. Application No. 519 of 2015.</u></p> <p>This is an application, filed by the respondents, for taking supplementary counter affidavit on the amended portion of the T.A. on record. The application is allowed and the supplementary counter affidavit is taken on record.</p> <p>List this case for admission on 5.5.2015 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. 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>01.04.2015</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>On call of the case in the revised list Shri Shailendra Kumar Singh, Advocate, appeared and stated that Shri P.K. Shukla, learned counsel for the applicant, could not come to this Court today. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>Since this case is of the year 2010, this case cannot be adjourned for a longer period. Office is, therefore, directed to list this case for hearing on 23.4.2015 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. 73 of 2015

Radheysham

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>31.03.2015</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 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>Heard learned counsel for the parties.</p> <p>Aggrieved against the award of punishment in SCM the applicant has preferred this O.A. before this Tribunal.</p> <p>A preliminary objection has been raised by learned counsel for the respondents that since the applicant has not availed the alternative remedy as provided under Section 21 of the AFT Act, 2007, this O.A. is not maintainable. He also placed reliance of a judgment of the Hon'ble apex Court in the case of Commissioner of Income Tax and others v. Chhabil Dass Agarwal reported in (2014) 1 SCC 603 wherein the Hon'ble apex Court as observed that "<i>If the High Court is satisfied that the aggrieved party can have an adequate or suitable relief elsewhere, it can refuse to exercise its jurisdiction. The Court, in extraordinary circumstances, may exercise the power if it comes to the conclusion that there has been a breach of the principles of natural justice or the procedure required for decision has not been adopted.</i>" In the aforesaid case the Hon'ble apex Court has also cited the case of Mafatlal Industries Ltd. v. Union of India reported in (1997) 5 SCC 536 wherein it has been observed that "<i>the Court would certainly take note of the legislative intent manifested in the provision of the Act and would exercise their jurisdiction consistent with the provisions of</i></p>

the enactment.” Further, Section 21 of the AFT Act, 2007 specifically denotes that “The Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of the remedies available to him under the Army Act, 1950.”

In view of above, and since we are also of the opinion that alternative remedy has not been exhausted by the applicant before coming to this Tribunal as also there appears no extraordinary circumstances warranting the applicant to approach this Tribunal before availing the alternative remedy, this Original Application No. 73 of 2015 is dismissed on the ground of alternative remedy at the admission stage itself.

(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. 635 of 2015
(Inre : T.A. No. 1036 of 2010)

Jaswant 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>31.03.2015</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. Mishra, 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. 635 of 2015.</u></p> <p>Heard learned counsel for the applicant.</p> <p>This application has been filed by the applicant for recall of the order dated 26.2.2015 dismissing T.A. No. 1036 of 2010 for non-prosecution.</p> <p>The reason shown in affidavit, particularly in paragraph 5 thereof, seem to be genuine. Accordingly, M.A. No. 635 of 2015 is allowed and the order dated 26.2.2015 is hereby recalled.</p> <p>Office is directed to restore T.A. No. 1036 of 2010 to its original number and list for admission on 30.4.2015 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. 642 of 2015
(Inre : M.A. No 1591 of 2014)

Prakash Rai
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>31.03.2015</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: Major R.D. Singh (Retd.), learned counsel for the applicant, and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 642 of 2015.</u></p> <p>Heard learned counsel for the applicant on this application.</p> <p>This is an application supported with an affidavit filed by the applicant for recall of the order dated 24.2.2015 dismissing M.A. No. 1591 of 2014 and M.A. No. 267 of 2015 for non-prosecution.</p> <p>The reason shown in paragraphs 2 and 3 of the affidavit seem to be genuine. Accordingly, M.A. No. 642 of 2015 is allowed and the order dated 24.2.2015 is hereby recalled.</p> <p>Office is directed to restore M.A. No. 1591 of 2014 and M.A. No. 267 of 2015 to their original numbers and list for orders on 15.4.2015 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. 643 of 2015 with M.A. 648 of 2015

(Inre : Dy. No. 2216 of 2014)

Bhupinder Singh Bhadauria
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.03.2015</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: Major R.D. Singh (Retd.), learned counsel for the applicant, and Shri D.S. Tiwari, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Applications No. 643 of 2015 and 648 of 2015.</u></p> <p>Heard learned counsel for the parties on these applications.</p> <p>The applicant has filed the above applications, one for condoning the delay in filing recall application and the other for recall of the order dated 29.1.2015 dismissing Dy. No. 2216 of 2014 for non-prosecution.</p> <p>The reasons shown in paragraph 2 of the affidavit in support of the application seems to be genuine. Accordingly, both the applications are allowed, the delay is condoned, and the order dated 29.1.2015 is hereby recalled. Dy. No. 2216 of 2014 is directed to be restored to its original number.</p> <p>List on 17.4.2015 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. 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>31.03.2015</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 Sgt. S.K. Pandey, Departmental Representative.</p> <p>While going through the record we noticed that this is a very bulky petition, transferred to this Tribunal from the Hon'ble Allahabad High Court and registered as T.A. No. 542 of 2010 having several amendments on number of amendment applications, incorporated therein, and is, therefore, difficult for the Court to connect properly with the case.</p> <p>Learned counsel for the applicant is hereby directed to compile the entire petition incorporating the amendments, sought for, at proper places, and file an amended petition within three weeks to enable the Court to be precise while hearing and deciding the matter.</p> <p>List on 27.4.2015 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. 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>31.03.2015</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 the file of the case is misplaced in his office and, as such, he could not prepare the case. He, therefore, prays for adjournment. Accordingly, the case is adjourned for the day.</p> <p>As prayed, list on 29.4.2015 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. 22 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>31.03.2015</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>On call of the case learned counsel for the applicant states that he has received a copy of the order passed by the competent authority under Section 164(2) of the Army Act and, as such, he intends to amend the petition by filing an amendment application. He, therefore, prays for and is granted six weeks' time to file amendment application.</p> <p>List on 18.5.2015 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. 15 of 2014 with M.A. No. 439 of 2014 & M.A. No. 410 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>31.03.2015</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><u>Misc. Application No. 410 of 2015.</u></p> <p>This application has been moved by the applicant stating therein that full compliance of the judgment and order dated 7.8.2013, passed by this Tribunal in T.A. No. 988 of 2010, has not been made.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file reply stating therein as to whether the aforesaid judgment and order dated 7.8.2013 has been fully complied with or not and as to whether the entire payment has been made to the applicant or not.</p> <p>List on 1.5.2015 for orders before the appropriate Court having jurisdiction, as per roster of that date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 3

O.A. No. 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>31.03.2015</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 states that he has received a copy of the counter affidavit. He prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p>However, while going through the record, we find that the counter affidavit is not record. Capt. Ridhishri Sharma, Departmental Representative, states that the counter affidavit has been filed before the Registry on 22.12.2014. The office is, therefore, directed to trace and place on record the counter affidavit, filed on 22.12.2014.</p> <p>List on 27.4.2015 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. 297 of 2013 with M.A. No 424 of 2015

Pradeep 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>31.03.2015</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present: Shri Nishant Verma, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 424 of 2015.</u></p> <p>This amendment application has been filed by the applicant after serving a copy of the same on learned counsel for the respondents on 25.2.2015. Learned counsel for the respondents states that no objection is required to be filed on this application since if the amendment is allowed the nature of the appeal will not be changed.</p> <p>We have also gone through this application and are of the view that the amendment, prayed for, will not change the nature of the appeal. Accordingly, M.A. No. 424 of 2015 is allowed. Learned counsel for the applicant is granted one week's time to incorporate the amendment.</p> <p>List on 22.4.2015 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. 191 of 2014

Ravi Shankar 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>31.03.2015</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 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 respondents states that counter affidavit is ready and will be filed before the Registry during course of the day after serving a copy of the same on learned counsel for the applicant. If the counter affidavit is filed, learned counsel for the applicant may file rejoinder affidavit within six weeks.</p> <p>List on 19.5.2015 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. 11 of 2011 with M.A. No. 608 of 2015

Shaikh Imtiyaz Mohammad
In Person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.03.2015</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 Rajesh Kumar, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p><u>Misc. Application No. 608 of 2015.</u></p> <p>By this application the applicant has filed copy of the SCM proceedings. The application is allowed and the SCM proceedings is taken on record.</p> <p>Since counter and rejoinder affidavits have already been exchanged in this case, the office is directed to list this case for hearing on 20.7.2015 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. 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>31.03.2015</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 prays for and is granted two weeks and no more time to comply with the order dated 4.2.2015, passed by this Court.</p> <p>List on 28.4.2015 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. 721 of 2010

Jai Prakash 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>31.03.2015</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. B.P. Singh (Retd.), learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Capt. Ridhishri Sharma, Departmental Representative.</p> <p>Referring the provisions of Section 3(o)(iv) of the AFT Act, 2007, learned counsel for the respondents raised with respect to maintainability of this petition since it relates to severe reprimand and reduction in rank.</p> <p>Learned counsel for the applicant submits that this case is covered by the judgment of the Uttarakhand High Court which he intends to cite.</p> <p>As prayed by learned counsel for the applicant, list this case on 20.7.2015 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>