

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. Jabalpur

O.A. No. 240 of 2010

Kushal 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 C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Allowed.</p> <p>For judgment and order see our judgment and order of date passed on separate sheets.</p> <p>(Lt. Gen A.M. Verma) (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

C.B. Jabalpur

T.A. No. 944 of 2010

Atmaram Dwivedi

Applicant

By Legal Practitioner for Applicant

Versus

COAS & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Allowed.</p> <p>For judgment and order see our judgment and order of date passed on separate sheets.</p> <p>(Lt. Gen A.M. Verma) (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

C.B. Jabalpur

M.A. No. 1407 of 2014

Jagat Narayan 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 C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Dinesh Kumar Pandey on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present : Shri S.P. Tripathi, learned counsel for applicant, and Shri Dinesh Kumar Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>This Misc. Application No. 1407 of 2014 has been filed by the applicant for condoning the delay in filing the Original Application.</p> <p>As per office report, there is delay of 6 years, 4 months and 10 days in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection on the delay condonation application.</p> <p>List on 15.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 117 of 2014

NJK Dahya Lal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Pradeep Dwivedi holding brief of Shri K.C. Ghildiyal, learned counsel for applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Pradeep Dwivedi stated that Shri K.C. Ghildiyal, learned counsel for the applicant, has gone out of station. He, therefore, prays that this case be adjourned. Accordingly, this case is adjourned for the day.</p> <p>List on 15.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 118 of 2014
(Inre: M.A. No 1389 of 2014)

Sudershan

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Pradeep Dwivedi holding brief of Shri K.C. Ghildiyal, learned counsel for applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Pradeep Dwivedi stated that Shri K.C. Ghildiyal, learned counsel for the applicant, has gone out of station. He, therefore, prays that this case be adjourned. Accordingly, this case is adjourned for the day.</p> <p>List on 16.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 119 of 2014

Smt Bhagwati Thakur
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Mrs. Kanak Gahairwal, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the case.</p> <p>However, as it comes out that the applicant has moved Misc. Application No. 1389 of 2014 with the prayer for amending the Original Application, but since learned counsel for the applicant is not present, list this application no. 16.12.2014 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

C.B. Jabalpur

M.A. No. 633 of 2014

Suresh 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 C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Pradeep Dwivedi holding brief of Shri K.C. Ghildiyal, learned counsel for applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Pradeep Dwivedi stated that Shri K.C. Ghildiyal, learned counsel for the applicant, has gone out of station. He, therefore, prays that this case be adjourned. Accordingly, this case is adjourned for the day.</p> <p>List on 19.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 442 of 2012

Shailesh Kumar 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 C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Pradeep Dwivedi holding brief of Shri K.C. Ghildiyal, learned counsel for applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Pradeep Dwivedi stated that Shri K.C. Ghildiyal, learned counsel for the applicant, has gone out of station. He, therefore, prays that this case be adjourned. Accordingly, this case is adjourned for the day.</p> <p>List on 15.12.2014 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

C.B. Jabalpur

O.A. No. 464 of 2012

Nb Sub Krishnan G.

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Pradeep Dwivedi holding brief of Shri K.C. Ghildiyal, learned counsel for applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Pradeep Dwivedi stated that Shri K.C. Ghildiyal, learned counsel for the applicant, has gone out of station. He, therefore, prays that this case be adjourned. Accordingly, this case is adjourned for the day.</p> <p>List on 15.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 478 of 2012

Yogesh Chandra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Pradeep Dwivedi holding brief of Shri K.C. Ghildiyal, learned counsel for applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Pradeep Dwivedi stated that Shri K.C. Ghildiyal, learned counsel for the applicant, has gone out of station. He, therefore, prays that this case be adjourned. Accordingly, this case is adjourned for the day.</p> <p>List on 16.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

T.A. No. 281 of 2010

Smt Santi Bakshi

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Pradeep Dwivedi holding brief of Shri K.C. Ghildiyal, learned counsel for applicant, and Shri B.P.S. Chauhan, learned counsel for respondents.</p> <p>On call of the case Shri Pradeep Dwivedi stated that Shri K.C. Ghildiyal, learned counsel for the applicant, has gone out of station. He, therefore, prays that this case be adjourned. Accordingly, this case is adjourned for the day.</p> <p>List on 18.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

T.A. No. 22 of 2011

Gopal Bhakt

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh Chauhan on behalf of respondents no. 1 to 7 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.B. Singh, learned counsel for applicant, and Shri Bhanu Pratap Singh Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>The matter relates to disability pension. The applicant has been diagnosed 100% disability, but inspite of it, the allegation is that he has not yet been provided family pension. The reasons indicated by the respondents in their counter affidavit is to the effect that in the Medical Board proceedings it had not been indicated as to whether the injury received by the applicant, on his being remained on annual leave, is attributable to Military service or not.</p> <p>Heard learned counsel for the parties on admission of this Transferred Application.</p> <p>The argument of learned counsel for the applicant is that still the applicant is entitled to 100% disability pension as opined by the Medical</p>

Board at least for two years.

The question appears to be arguable in nature and needs to be decided.

Admit.

List on 19.12.2014.

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

(Justice Abdul Mateen)
Member (J)

PG.

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. Jabalpur

T.A. No. 129 of 2011

Sujit Roy
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>17.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Pradeep Dwivedi holding brief of Shri K.C. Ghildiyal, learned counsel for applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Pradeep Dwivedi stated that Shri K.C. Ghildiyal, learned counsel for the applicant, has gone out of station. He, therefore, prays that this case be adjourned. Accordingly, this case is adjourned for the day.</p> <p>List on 19.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 262 of 2013

Urmila Bai
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>16.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Dinesh Kumar Pandey on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present : Shri Ashish Chaubey, learned counsel for the applicant, and Shri Dinesh Kumar Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>In this Original Application the applicant has prayed for grant of ordinary family pension. The applicant is the mother of deceased Cfn. Sachin Pal, who died in harness while serving the Army. The claim of the applicant for grant of special family pension was forwarded to the PCDA(P), Allahabad, who has rejected the claim of the applicant, vide its order dated 27.6.2011. Even the claim of ordinary family pension of the applicant has also been rejected on the ground that she is having sufficient income. However, this order of the PCDA(P) has not been challenged.</p> <p>Learned counsel for the applicant states that he intends to amend the Original Application to the above effect by challenging the order of the PCDA(P). He, therefore, prays for and is granted four weeks' time to file</p>

amendment application to amend the prayer clause.

As prayed, list on 16.12.2014 before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

O.A.(N). No. 41 of 2011 with M.A. No 928 of 2014

Navi Mohd.

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>16.10.2014</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.C. Ghildiyal, learned counsel for the applicant, and Shri B.P.S. Chauhan, learned counsel for respondents, along with Sgt. S.K. Pandey, Departmental Representative.</p> <p>In this case, we find that there is an application for condonation of delay, but, it is unfortunate that no number has been registered on this application and no order has been passed on this application, resulting that the Original Application has not yet been registered, but the proceedings are going on. Counter and rejoinder affidavits have also been exchanged in this case.</p> <p>In this case the applicant claims that since he served the Air Force for 15 years, as stated by learned counsel for the applicant, he is entitled to service pension. Since the matter pertains to family pension, and the reasons shown in the affidavit filed along with the delay condonation application seems to be genuine, we hereby condone the delay in filing the Original Application. Office is directed to register the Original Application.</p> <p>With respect to admission of this O.A., which has not yet been admitted, we made a query from learned counsel for the applicant that</p>

whether the applicant be treated to be an Air Force personnel or not and also what remedies the applicant has availed so far before filing this O.A. Learned counsel for the applicant is to satisfy this Court on these points on the next date.

List this case for admission on 16.12.2014 before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

T.A. No. 432 of 2010

Bijendra 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 C.B. Jabalpur
	<p><u>16.10.2014</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.B. Singh, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>It comes out from the record that this Transferred Application has come before this Tribunal on transfer from the M.P. High Court and has been registered before this Tribunal as T.A. No. 432 of 2010.</p> <p>On going through the record we find that this petition has not yet been admitted.</p> <p>In the instant case, as submitted by learned counsel for the applicant, the applicant after serving the Army has been discharged on medical ground but the applicant has not been provided disability pension, which he claims would have been given to him.</p> <p>In this case counter and rejoinder affidavits have been exchanged. The points raised by learned counsel for the applicant</p>

seems to be arguable in nature. Accordingly, we admit this petition.

List this case for hearing on 17.12.2014 before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

T.A. No. 18 of 2011

Thorat Jai Singh Mahaalu
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>16.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Bhanu Pratap Singh Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>List has been revised. No one appears to press this Transferred Application, neither there is any request to adjourn/pass over this case. However, in the interest of justice list this case again on 19.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

T.A. No. 75 of 2012

Ram Sunder 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 C.B. Jabalpur
	<p><u>16.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Bhanu Pratap Singh Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>List has been revised. No one appears to press this Transferred Application, neither there is any request to adjourn/pass over this case. However, in the interest of justice list this case again on 16.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

T.A. No. 852 of 2010

Parmanand Prasad 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 C.B. Jabalpur
	<p><u>16.10.2014</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.C. Ghildiyal, learned counsel for the applicant and Mrs. Kanak Gahairwal, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On the request made by Shri K.C. Ghildiyal, learned counsel for the applicant, this case is adjourned for the day.</p> <p>List this case on 16.12.2014 before the Circuit Bench at Jabalpur.</p> <p>When the case is listed next, the name of Shri K.C. Ghildiyal be shown as counsel for the applicant and the name of Shri Bhanu Pratap Singh Chauhan be shown as counsel for the respondents.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

C.B. Jabalpur

T.A. No. 1017 of 2010

Ram Prasad 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 C.B. Jabalpur
	<p><u>16.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case a person claiming himself to be the son of the applicant, viz. Nar Bahadur Tiwari, appeared and stated that his counsel has not come to this Court today. He, therefore, prays that the case be adjourned. Accordingly, the case is adjourned for the day.</p> <p>List on 16.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

M.A. No. 1393 of 2014

Sunil Gupta

By Legal Practitioner for Applicants

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>16.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh Chauhan on behalf of respondents no. 1 to 3 is taken on record. When the case is listed next, his name be shown as counsel for the said respondents.</p> <p>Present : Shri K.C. Ghildiyal, learned counsel for the applicant, and Shri Bhanu Pratap Singh Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>This Misc. Application No. 1393 of 2014 has been filed by the applicant for condoning the delay in filing the Original Application.</p> <p>As per office report, there is delay of 9 months and 20 days in filing the Original Application.</p> <p>The reasons shown in the affidavit filed along with the delay condonation application seems to be genuine. We, accordingly, condone the delay in filing the Original Application. Office is directed to register the case.</p> <p><u>Original Application No. 211 of 2014.</u></p> <p>In this Original Application the applicant has challenged the order dated 24.6.2013, issued by respondent no. 1, order dated 7.4.2014, issued by</p>

respondent no. 3 whereby a sum of Rs. 1,77,880/- has been recovered from the salary of the applicant, and the office memorandum dated 16.9.2010, issued by respondent no. 2 imposing condition of buying air tickets through M/s. Balmer Lawrie & Company, M/s. Ashok Travels & Tours and IRCTC on LTC and prayed for quashing of these orders and office memorandum. The applicant has also prayed for refund of the aforesaid amount of Rs. 1,77,880/-, which has been realised from the applicant's salary being absolutely illegal since the memorandum issued by the respondent for not producing air tickets purchased from the authorised travel agents. Learned counsel for the applicant, therefore, argued that the recovery of the aforesaid amount is wholly unjustified, illegal, against the principle of natural of justice and liable to be quashed.

Let notice be issued to respondents no. 2 and 3 to show cause within six weeks as to why this Original Application be not admitted and the prayers so made be not granted.

List for admission on 16.12.2014 before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

T.A. No. 56 of 2012

Yogeshwar Prasad Mishra
By Legal Practitioner for Applicant

Applicant

Versus

Govt of India, MOD & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>15.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Allowed.</p> <p>For judgment and order see our judgment and order of date passed on separate sheets.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

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

C.B. Jabalpur

O.A. No. 207 of 2014

Smt. Atul Devi Tripathi & Others
By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>15.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Dinesh Kumar Pandey on behalf of respondents no. 1 to 4 is taken on record. When the case is next listed, his name be shown as counsel for the said respondents.</p> <p>Present : Shri Manoj Chansoriya, learned counsel for the applicant, and Shri DK Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>The applicants, by means of the present Original Application, are seeking appointment on compassionate ground under the Dying in Harness Rules.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 15.12.2014 before the Circuit Bench at Jabalpur for orders/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

C.B. Jabalpur

M.A. No. 1100 of 2014 with M.A. No. 1101 of 2014
(Inre: T.A. No 21 of 2011 & M.A. No 795 of 2014)

Om Prakash 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 C.B. Jabalpur
	<p><u>15.10.2014</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 RB Singh, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p><u>Misc. pplication No. 1100 of 2014.</u></p> <p>This is an application for restoration of T.A. No. 21 of 2011 with M.A. No. 795 of 2014, dismissed for non-prosecution, vide order dated 21.7.2014. The reasons shown in the affidavit in support of this application seem to be genuine.</p> <p>Accordingly, the order dated 21.7.2014, passed by this Court, is hereby recalled and T.A. No. 21 of 2011 with M.A. No. 795 of 2014 are restored to it original number.</p> <p>List again on 16.12.2014 before the Circuit Bench at Jabalpur, for necessary orders.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. Jabalpur

T.A. No. 494 of 2010

Smt. Laxmina 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 C.B. Jabalpur
	<p><u>15.10.2014</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.B. Singh, learned counsel for the applicant, and Shri B.P.S. Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Inspite of various orders passed by this Court for production of certain documents by the respondents, the respondents have failed to produce them before this Court. As a matter of last opportunity, four weeks and no more time is granted to the respondents to produce those documents, already ordered by this Court. It is, however, made clear that if the orders of this Court are not complied with again, the respondents shall be prepared to bear heavy cost.</p> <p>List on 18.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

T.A. No. 875 of 2010

Jagdish Prasad

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>15.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri S.S. Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant.</p> <p>In this case notice was ordered to be issued to respondents no. 2 and 4 of which learned counsel for the applicant had taken steps, but there is no office report with respect to service of notices on respondents no. 2 and 4. Office is directed to report regarding service of notices on respondents no. 2 and 4.</p> <p>List on 15.12.2014 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

C.B. Jabalpur

O.A. No. 99 of 2010

A 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 C.B. Jabalpur
	<p><u>15.10.2014</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 SK Pandey, learned counsel for the applicant, and Shri B.P.S. Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case learned counsel for the applicant prays for and is granted four weeks' further time to implement the order dated 28.8.2014, passed by this Court.</p> <p>List on 17.12.2014 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

C.B. Jabalpur

O.A. No. 240 of 2010

Kushal 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 C.B. Jabalpur
	<p><u>15.10.2014</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.C. Ghildiyal, learned counsel for the applicant and Shri BPS Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt. Gen A.M. Verma) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. Jabalpur

O.A. No. 405 of 2011

JK Roy Chaudhary

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>15.10.2014</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.C. Ghildiyal, learned counsel for the applicant, and Mrs Kanak Gaharwar, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list this case on 19.12.2014 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

C.B. Jabalpur

T.A. No. 278 of 2010

KS Rao

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>15.10.2014</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 KC Ghildiyal, learned counsel for the applicant, and Shri DK Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list this case on 15.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

T.A. No. 843 of 2010

Suresh 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 C.B. Jabalpur
	<p><u>15.10.2014</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.C. Ghildiyal, learned counsel for the applicant and Shri DK Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case, learned counsel for the respondents states that the original record relating to the present dispute in question has been destroyed. Let an affidavit to that effect, sworn by a responsible officer, be filed within three weeks.</p> <p>As prayed, list on 15.12.2014 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

C.B. Jabalpur

T.A. No. 944 of 2010

Atma Ram Dwivedi
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 C.B. Jabalpur
	<p><u>15.10.2014</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.C. Ghildiyal, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. Jabalpur

T.A. No. 1489 of 2010

Kamla Kant 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 C.B. Jabalpur
	<p><u>15.10.2014</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.B. Singh, learned counsel for the applicant, Shri B.P.S. Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri R.B. Singh states that he intends to file copy of DCM proceedings before the Registry during the course of the day. He is permitted to do so.</p> <p>As prayed, list on 18.12.2014.</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

C.B. Jabalpur

EX-A. No. 44 of 2012
(Inre: T.A. No 937 of 2010)

Gambhir Singh Chahar
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 C.B. Jabalpur
	<p><u>14.10.2014</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.C. Ghildiyal, learned counsel for the applicant, and Mrs. Kanak Gahairwal, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This Execution Application No. 44 of 2012 has been filed by the applicant aggrieved against non-implementation of the judgment and order dated 10.2.2011, passed by this Tribunal in T.A. No. 937 of 2010.</p> <p>The respondents have filed their counter affidavit in this Execution Application informing the Court to the effect that requisite P.P.O. has already been issued and the aforesaid judgment and order dated 10.2.2011 has been implemented. A copy of the P.P.O. has been served by Mrs. Kanak Gahairwal, learned counsel for the respondents,</p>

upon Shri Ghildiyal, learned counsel for the applicant, in Court.

Shri K.C. Ghildiyal, learned counsel for the applicant, states that this Execution Application has now rendered infructuous and be dismissed.

Accordingly, Execution Application No. 44 of 2012 (Inre: T.A. No. 937 of 2010) stands dismissed without any order as to costs.

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

(Justice Abdul Mateen)
Member (J)

PG.

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. Jabalpur

O.A. No. 144 of 2013 with M.A. No. 1133 of 2014

CHM Kunjumon Varghese
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>14.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh Chauhan on behalf of respondents no. 1 to 4 is taken on record.</p> <p>Present : Shri K.C. Ghildiyal, learned counsel for the applicant, Shri B.P.S. Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>The Original Application is allowed without any order as to costs. Reasons to follow.</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

C.B. Jabalpur

O.A. No. 286 of 2013

Nand Lal 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 C.B. Jabalpur
	<p><u>14.10.2014</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. Pandey, Advocate, holding brief of Shri V.P. Pandey, learned counsel for the applicant, Shri S.S. Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Shri S.K. Pandey states that Shri V.P. Pandey, learned counsel for the applicant, could not come to this Court today. He, therefore, prays that the case be adjourned. Accordingly, the case is adjourned for the day.</p> <p>List this case on 17.12.2014 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

C.B. Jabalpur

T.A. No. 883 of 2010

Amit Kumar Mishra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>14.10.2014</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.C. Ghildiyal, learned counsel for the applicant, Mrs. Kanak Gahairwal, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list this case on 17.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 136 of 2012

Dhan Raj

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>14.10.2014</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 Sameer Deshmukh, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant.</p> <p>However, in the interest of justice, list this case again on 19.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 402 of 2012

Kashmir 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 C.B. Jabalpur
	<p><u>14.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant.</p> <p>In the interest of justice, list this case again on 19.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A.(A). No. 434 of 2012

Pradeep 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 C.B. Jabalpur
	<p><u>14.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Vakalatnama filed by Shri Sheetal Tiwari, Advocate, on behalf of the applicant, is taken on record.</p> <p>Present : Shri Sheetal Tiwari, learned counsel for the applicant, Shri B.P.S. Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>List this case on 17.12.2014 before the Circuit Bench at Jabalpur, showing the name of Shri Sheetal Tiwari as counsel for the applicant.</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

C.B. Jabalpur

T.A. No. 305 of 2010

Dilip Kumar Shukla
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>14.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Anand Naik, Advocate, appeared and filed his Vakalatnama on behalf of the applicant.</p> <p>Shri Naik prays for and is granted six weeks' time to prepare the brief.</p> <p>List this case on 16.12.2014 before the Circuit Bench at Jabalpur, showing the name of Shri Anand Naik as counsel for the applicant.</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

C.B. Jabalpur

T.A. No. 308 of 2010

Mahendra Singh Baghel
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>14.10.2014</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 B.P.S. Chauhan, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri S.P. Tewari, Advocate, appeared and stated that he intends to file his Vakalatnama on behalf of the applicant. He, therefore, prays that this case be adjourned.</p> <p>Accordingly, the case is adjourned for the day.</p> <p>List on 17.12.2014 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

C.B. Jabalpur

T.A. No. 482 of 2010

Prem 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 C.B. Jabalpur
	<p><u>14.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case no one appeared for the applicant.</p> <p>In the interest of justice, list this case again on 19.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

T.A. No. 931 of 2010

Sita 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 C.B. Jabalpur
	<p><u>14.10.2014</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.B. Singh, learned counsel for the applicant, and Shri D.K. Pandey, learned counsel for respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list this case on 19.12.2014 before the Circuit Bench at Jabalpur. The records brought by the respondents shall again be produced before the Court on the said date.</p> <p>(Lt. Gen A.M. Verma) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>PG.</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. Jabalpur

T.A. No. 128 of 2011

Shende Sahadev Rao Dilip
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>14.10.2014</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 Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case, a person claiming himself to be Shende Sahadev Rao Dilip, the applicant, appeared and stated that his counsel Shri P.N. Chaturvedi could not come to this Court today. He, therefore, prays for adjournment of the case for the day with the request that since his counsel is unable to attend the Court at Jabalpur, this case be listed before Lucknow Bench of this Tribunal.</p> <p>As prayed by the applicant himself, list this case on 29.10.2014 before the concerned Court at Lucknow 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

C.B. Jabalpur

O.A. No. 188 of 2014

Anil Kumar Baghel
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>13.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh Chauhan on behalf of respondents is taken on record. When the case is listed next, his name be shown as counsel for the respondents.</p> <p>Present : Shri Bhanu Pratap Singh Chauhan, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>List has been revised. No one appears for the applicant, neither there is any request to adjourn/pass over the case. However, in the interest of justice we direct that the matter be listed again on 17.12.2014 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

C.B. Jabalpur

R.A. No. 21 of 2014
(Inre: O.A. No. 40 of 2014)

Lt. Col. Rsjrdh Kumar Shukla
In person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Jabalpur
	<p><u>14.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>This Review Application No. 21 of 2014 has come before this Court by way of circulation under Rule 18(3) of the Armed Forces Tribunal (Procedure) Rules, 2008 for reviewing the judgment and order dated 8.9.2014, passed by this Court in O.A. No. 40 of 2014.</p> <p>We have gone through the review application and direct Capt. Priti Tyagi, Departmental Representative, to produce the dossier of the applicant, Lt. Col. Rajesh Kumar Shukla, SM before this Court on 17.11.2014.</p> <p>Let this order be communicated by the Registry of this Court to the Departmental Representative accordingly.</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

C.B. Jabalpur

EX-A. No. 25 of 2011 with Dy. No. 9 of 2014
(Inre : T.A. No 429 of 2010)

A.K. Bhardwaj
In person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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 B.P.S. Chauhan, learned counsel for the respondents along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case a person claiming himself to be A.K. Bhardwaj, the applicant, appeared and stated that the judgment and order dated 3.5.2011, passed by this Tribunal in T.A. No. 429 of 2010, has been implemented on 17.9.2014, as such this Execution Application No. 25 of 2011 is rendered infructuous.</p> <p>However, the applicant insists that since the judgment of this Tribunal has been implemented quite late, i.e. on 17.9.2014, he is, therefore, entitled 12% interest from 3.5.2011 to 17.9.2014 as held by the Principal Bench of this Tribunal on 30.7.2012 in M.A. No. 490 of 2011 (Inre: T.A. No. 543 of 2009).</p> <p>Accordingly, while disposing of the Execution Application No. 25 of 2011 in the light of the order passed by the Principal Bench of</p>

this Tribunal in the above referred M.A. No. 490 of 2011 to the effect that the incumbent is entitled for 12% interest per annum since the respondents took more than two years for implementation of order, we direct the respondents to consider the matter with respect to grant of 12% interest per annum to the applicant from 3.11.2011 upto 17.9.2014 on the pensionary benefits, which has been given by the respondents after a gap of about three years, i.e. till the date the applicant received the P.P.O. within a period of three months.

(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

C.B. Jabalpur

M.A. No. 622 of 2014

Vindhyeshwari Prasad
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri M.P. Singh, Counsel for applicant and Mrs. Kanak Gaharwar, Counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' and no more to file objection to the delay condonation application.</p> <p>List on 15.12.20 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

M.A. No. 646 of 2014

Harinam Patel
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant, and Mrs. Kanak Gaharwar, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further four weeks' time and no more to file objection to the delay condonation application.</p> <p>List again on 17.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant and Mrs. Kanak Gaharwar, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case Shri Ghildiyal states that he could not take steps for getting the service effected on respondents no. 6 and 7. He, therefore, prays for and is granted four weeks' time to take steps.</p> <p>Learned counsel for the respondents states that respondent no. 8 has already been served.</p> <p>If steps are taken, list this case on 17.12.2014, with the office report, 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

C.B. Jabalpur

O.A. No.179 of 2010

Mahabeer 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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant, and Shri B.P.S. Chauhan, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>In this O.A. the applicant has prayed for quashing of the discharge order dated 15.9.2009 as well as appellate order dated 15.6.2010.</p> <p>The facts, which emerges out, are that the applicant was employed in the department of the respondents as Clerk and subsequently he failed twice in Proficiency Aptitude Tests. He then applied that remustering be done and he be absorbed as Tradesman. The respondents rejected his request on the ground of his being overage for the post of Tradesman.</p> <p>Learned counsel for the applicant argues that since the applicant was already in service and was drawing his pay, he cannot</p>

be treated as overage. The question seems to be arguable in nature.

Accordingly we admit this Original Application.

Since counter and rejoinder affidavits have been exchanged in this case, list this case for hearing on 17.12.2014 before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

O.A. No. 82 of 2011

Smt. Sheela Chaturvedi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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, Counsel for applicant, Shri Satish Awasthi holding brief of Shri Dilip Awasthi, learned counsel for respondent no. 4, and Mrs. Kanak Gahairwal, Counsel for the respondents, along with Major Sameer Deshmukh.</p> <p>The applicant, who happens to be the mother of late Sep. Anurag Kumar Chaturvedi, has claimed, by means of this Original Application, that ordinary family pension, which is being given to the widow of the deceased Sepoy, viz. Smt. Sneh Lata Chaturvedi, may be converted into special family pension and accordingly be divided between the applicant and widow of late Sepoy. The submission of learned counsel for the applicant is that since the applicant happens to be mother of late Sepoy, who died in a fatal road accident with the Army vehicle while in service, as such his death be declared as attributable to service.</p> <p>While going through the prayer clause we find and has also</p>

accepted by learned counsel for the applicant that the widow of late Sepoy is being awarded ordinary family pension but the prayer with respect to converting it into special family pension has not yet been made, as such there is no question of ordering division of family pension between the applicant and widow of the deceased Sepoy.

Learned counsel for the applicant prays that he be granted time to amend the prayer clause. He may do so, as prayed, within two weeks.

List this case on 10.11.2014 before the Lucknow Bench before the Court concerned having jurisdiction as per roster.

(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

C.B. Jabalpur

O.A. No. 54 of 2012

Mahendra 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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant and Shri D.K. Pandey, learned counsel for the respondents along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>The question in issue is that the applicant has been ordered to be discharged from service on the ground of overstaying for 74 days after the sanctioned leave period. Thereafter, after joining the service, the applicant was awarded 28 days' R.I. for overstaying after the leave period.</p> <p>Learned counsel for the applicant submits that the applicant cannot be discharged from service after awarding punishment of 28 days' R.I. which the applicant has undergone so as to bring the matter within the parameter of the proposition of double jeopardy. The point seems to be arguable in nature.</p> <p>Accordingly, this Original Application is admitted.</p>

Shri Ghildiyal further submits that a similar matter, being O.A. No. 53 of 2012, is pending before the Lucknow Bench of this Tribunal. He, therefore, prays that O.A. No. 53 of 2012 be connected with this O.A. and be listed together.

Accordingly, as prayed, connect O.A. No. 53 of 2012 with this O.A. and list on 17.12.2014 for orders before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

O.A. No. 116 of 2014 with M.A. No. 647 of 2014

Arjun Singh Parihar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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.P. Tiwari, learned counsel for applicant, and Major Sameer Deshmuck, Departmental Representative.</p> <p>The counter affidavit, which is on record, is said to have been filed by one V. Madkam, OOC(A), Personal Officer, COD, Jabalpur. has only signed it at the place of Deponent. It has not been notarised, as such, cannot be said to be an affidavit in the eyes of law. Although copy of the same has been served on learned counsel for the applicant on 25.8.2014.</p> <p>Major Deshmukh states that he wants to file counter affidavit within a week duly sworn by the officer concerned. Let the same be filed along with annexures after serving a copy of the same on learned counsel for the applicant.</p> <p>List this case on 16.12.2014 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

C.B. Jabalpur

O.A. No. 166 of 2014

Puran Lal 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 C.B. Nainital
	<p><u>13.10.2014</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.P. Tiwari, learned counsel for applicant and Shri B.P.S. Chauhan, learned counsel for the respondents along with Major Sameer Deshmukh, Departmental Representative.</p> <p>This Original Application has been filed by the applicant with the prayer that the discharge order dated 20.8.2013 be quashed.</p> <p>Time was granted to the respondents to file reply, but no reply could be filed and the O.A. has been admitted on 28.8.2014.</p> <p>The case of the applicant is that he retired from Army service and then enrolled into DSC. After 10 years of service in DSC his discharge order was issued on account of the fact that he was in low medical category P2(P). His date of discharge is 31.10.2014. However, on 27.06.2014 he was upgraded to medical category SHAPE-1. As such, the argument raised by learned counsel for the applicant is that the discharge order, contained in Annexure 'A-1' to the O.A. stands automatically cancelled since it is based upon the</p>

opinion of the Medical Board that he falls within P2(P) of Medical Category. Learned counsel for the applicant has annexed as Annexure 'A-5', a letter issued by Col. Dinesh Kumar, OC Coy DSC asking (vide letter dated 14.7.2014), DSC Records as to whether in view of the up gradation of the applicant his discharge order be treated as cancelled or not.

Since no reply has been filed by the respondents, and the applicant has been declared in SHAPE- I medical category, there was no question of again re-examining the applicant medically.

In view of above, we admit the petition and grant six weeks time to the respondents to file reply and two weeks thereafter to the applicant to file rejoinder, and we hereby stay the order dated 20.8.2013, Annexure 'A-1' to the O.A.i.e. the discharge order till further orders. Major Sameer Deshmukh is directed to inform the authorities concerned that the applicant be allowed to continue in service after treating the applicant in SHAPE-I Medical Category.

List on 18.12.2014 before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

T.A. No. 420 of 2010

Inder Bhan 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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant and Mrs. Kanak Gaharwar, learned counsel for the respondents along with Major Sameer Deshmukh, Departmental Representative.</p> <p>This case has been admitted on 12.4.2012 but steps have not been taken by the applicant.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to take steps with respect to service of notices upon respondents no. 5 and 6.</p> <p>If steps are taken, office is directed to issue notices to respondents no. 5 and 6 and list this case after service of notice with office report on 17.12.2014 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

C.B. Jabalpur

T.A. No. 431 of 2010 with O.A. No 258 of 2012

A.K. Bhardwaj
In person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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 B.P.S. Chauhan, learned counsel for the respondents.</p> <p>On call of the case a person claiming himself to be A.K. Bhardwaj, the applicant, appeared and stated that he has received the address of respondent no. 4. He further stated that he will correct the address of respondent no. 4 and will take steps within two days. He may do so within two days</p> <p>If the address of respondent no. 4 is corrected by the applicant and steps are taken within two days, office is directed to issue notice to respondent no. 4 to the correct address.</p> <p>List this case after service of notice with office report on 18.12.2014 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

C.B. Jabalpur

O.A. No. 163 of 2010

IK Khurana
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildyal, learned counsel for applicant, and Mrs. Kanak Gaharwar, learned counsel for the respondents.</p> <p>On call of the case learned counsel for the applicant prays for and is granted three days' time to take steps for service on respondent no. 4.</p> <p>If steps are taken, office is directed to issue notice to respondent no. 4 and list this case after service of notice with the office report on 18.12.2014 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

C.B. Jabalpur

O.A. No. 187 of 2010

Harish 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 C.B. Nainital
	<p><u>13.10.2014</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. Pandey, Counsel for applicant and Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard Shri S.K. Pandey on the prayer for quashing the discharge order dated 7.4.2010. His argument is that as per rules since the applicant was working in the Army as Sepoy he cannot be discharged suo motu before issuing show-cause notice, which admittedly has not been issued.</p> <p>Counter and rejoinder affidavits have been exchanged in this case.</p> <p>Admit.</p> <p>List for hearing on 17.12.2014 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

C.B. Jabalpur

O.A. No. 170 of 2011

Hafizullah Khan Janbaj
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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.P. Singh, learned counsel for applicant, and Major Sameer Deshmukh, Departmental Representative.</p> <p>Shri K.P. Singh states that he is not prepared with the brief since he has recently been engaged. He, therefore, prays for and is granted a month's time to prepare the brief.</p> <p>List on 18.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

O.A. No. 01 of 2012

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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant and Major Sameer Deshmukh , Departmental Representative.</p> <p>Heard learned counsel for the applicant.</p> <p>In this Original Application the applicant has prayed for the benefit of Modified Assured Career Progressive (MACP). On earlier occasion, for this benefit, the applicant had refused to undergo requisite course, but, later on, he changed his mind and requested that the earlier refusal for undergoing MACP be treated to be withdrawn and his fresh submission of willingness to undergo MACP be accepted. This fresh request of the applicant was forwarded by the Army Education Corps but was declined by the Army Headquarters.</p> <p>Learned counsel for the respondents argues that once unwillingness has been shown by the applicant for MACP, that cannot be revoked.</p> <p>The question seems to be arguable. Accordingly, this Original Application is admitted.</p>

Since counter and rejoinder affidavits have been exchanged in this case, list this case for hearing on 18.12.2014 before the Circuit Bench at Jabalpur.

Further, as stated by learned counsel for the applicant, the point in issue involved in O.A. Nos. 02 of 2012, 03 of 2012 and 04 of 2012 are similar to that of this present O.A., i.e. O.A. No. 01 of 2012, therefore, all these Original Applications are directed to be connected with O.A. No. 01 of 2012 and be listed together on 18.12.2014.

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

(Justice Abdul Mateen)
Member (J)

PG.

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

C.B. Jabalpur

O.A. No. 02 of 2012

Rajeeve Kumar KK
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant and Major Sameer Deshmukh , Departmental Representative.</p> <p>For orders see our order of date passed in O.A. No. 01 of 2012 (Om Prakash v. Union of India & Others).</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

C.B. Jabalpur

O.A. No. 03 of 2012

Kamal Jeet 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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant and Major Sameer Deshmukh , Departmental Representative.</p> <p>For orders see our order of date passed in O.A. No. 01 of 2012 (Om Prakash v. Union of India & Others).</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

C.B. Jabalpur

O.A. No. 04 of 2012

Sukhjit 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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant and Major Sameer Deshmukh , Departmental Representative.</p> <p>For orders see our order of date passed in O.A. No. 01 of 2012 (Om Prakash v. Union of India & Others).</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

C.B. Jabalpur

O.A. No. 300 of 2012

RN 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 C.B. Nainital
	<p><u>13.10.2014</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 D.K. Pandey on behalf of respondents no. 1 to 6 is taken on record. When the case is next listed, his name be shown as learned counsel for the respondents.</p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for applicant, and Shri D.K. Pandey, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties at length.</p> <p>After hearing at length, Shri Shailendra Kumar Singh states that he intends to amend the prayer clause. He, therefore, prays for and is granted two weeks' time to file amendment application.</p> <p>List on 10.11.2014 before the Court concerned at Lucknow 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

C.B. Jabalpur

O.A. No. 74 of 2014

Suresh Kumar Patel
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildyal, learned counsel for applicant, Mrs. Kanak Gahairwal, learned counsel for the respondents, and Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>By means of this O.A. the applicant, who happens to be Ambulance Attendant, has prayed for quashing of the orders dated 12.2.2013 and 27.12.2013 by means of which his application for premature retirement after completing 17 years of coloured service has been rejected taking the plea of para 146 of the Regulations for the Army.</p> <p>Para 146 of the Regulations for the Army reads thus :-</p> <p><i>“146. Compulsory Retention in Service. – A man enrolled for contractual period of engagement who has completed prescribed service or age limit applicable for his rank, and does</i></p>

not wish to extent it, may be retained in service compulsorily for so long as a war is imminent or existing or the establishment to which he belongs is 10 per cent below strength or in other cases if the exigencies of service so require. A formal extension of colour service is not necessary in such cases.”

Learned counsel for the respondents laid emphasis on the ground that since Ambulance Assistant category was below 10% of the strength, as such the application, which has been moved by the applicant for his continuance after serving 17 years of coloured service, has been rejected and he had been ordered to continue in service upto 31.10.2016, vide Annexure ‘A-1’.

Learned counsel for the applicant has placed before this Court a communication received under RTI Act, i.e. the letter issued by one Maj. Satheesan A, PRO of AMC Records dated 18.9.2014. The said communication is taken on record. It indicates that 30 personnel were sanctioned premature retirement of Ambulance Assistant category with effect from 1.1.2011 to 30.8.2014. As such the argument advanced by learned counsel for the applicant that in the case of other Ambulance Assistants their applications for premature retirements have been accepted but the applicant’s unwillingness to continue in service after completing 17 years of coloured service has been refused. It has, therefore, been argued that in the aforesaid circumstances it cannot be said that the application of the applicant cannot be refused on the ground that there was deficiencies of 10% below strength as provided under para 146 of the Regulations for the Army.

While hearing and in the aforesaid circumstance, it seems very surprising that on one hand the respondents are accepting the request for premature retirement from other Ambulance Assistants with effect

from 1.1.2011 to 30.8.2014 but the applicant who has fulfilled his terms and conditions after completing 17 years of coloured service has been refused and has been directed to continue upto 31.10.2016.

Under the aforesaid circumstances, we deem it just, proper, reasonable and lawful to quash the order dated 12.2.2013 (Annexure 'A-1') and order dated 27.12.2013 (Annexure 'A-2'), relating to the applicant, and direct that the applicant be allowed to be discharged from service of the respondents as Ambulance Assistant with effect from 31.10.2014.

In view of above, this Original Application No.74 of 2014 stands allowed to the aforesaid extent without an order of cost.

(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

C.B. Jabalpur

T.A. No. 267 of 2010

Mahak 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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant, and Mrs. Kanak Gahairwal, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>As prayed by learned counsel for the applicant, list this case on 18.12.2014 before the Circuit Bench at Jabalpur. The original record which has been brought today by the respondents shall be kept for the next 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

C.B. Jabalpur

T.A. No. 270 of 2010

Shiv Lal 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 C.B. Nainital
	<p><u>13.10.2014</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.C. Ghildiyal, learned counsel for applicant, and Mrs. Kanak Gahairwal, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>The question in issue is as to whether the applicant has entered into second marriage with Mrs. Raj Kumari even before his divorce with his first wife.</p> <p>Learned counsel for the applicant states that the order impugned, by means of which the applicant has been terminated from service, should not have been passed by an officer below the rank of the Brigade Commander.</p> <p>Learned Standing Counsel has filed an affidavit of one Col. Ravi Sangwan, Administrative Officer, annexing therewith an order passed by Col. A.R. Patil, Officiating Brigadier (Personnel & Administration) for GOC-in-C dated 1.12.1998, who is much higher</p>

than Brigadier, but the order passed by GOC-in-C has not been placed before this Court. The order dated 1.12.1998 disclosed that the approval of termination of services of the applicant was granted by GOC-in-C.

However, learned Standing Counsel is directed to place the order of GOC-in-C before this Court on the next date.

List on 16.12.2014 before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

T.A. No. 322 of 2010

Natthu 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 C.B. Nainital
	<p><u>13.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Mrs. Kanak Gahairwal, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case a person claiming himself to be Shri Natthu Singh, the applicant, appeared and stated that his counsel has not come to this Court today. He, therefore, prays that the case be adjourned.</p> <p>Accordingly, the case is adjourned for the day.</p> <p>List on 16.12.2014 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

C.B. Jabalpur

T.A. No. 427 of 2010

Manoj 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 C.B. Nainital
	<p><u>13.10.2014</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.B. Singh, learned counsel for applicant, and Mrs. Kanak Gahairwal, learned counsel for the respondents along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Learned counsel for the respondents states that she intends to file counter affidavit to the amended petition. She, therefore, prays for and is granted four weeks' time and no more to file counter affidavit.</p> <p>List on 18.12.2014 before the Circuit Bench at Jabalpur.</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

C.B. Jabalpur

T.A. No. 435 of 2010

Smt. Neelam Sethi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh Chauhan on behalf of respondents no. 1 to 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 Bhanu Pratap Singh Chauhan, learned counsel for respondents no. 1 to 3, and Shri Ashish Bargale, learned counsel for respondent no. 4.</p> <p>List has been revised. No one appears for the applicant. On the contrary learned counsel for respondents no. 1 to 3 and learned counsel for respondent no. 4 are present.</p> <p>However, in the interest of justice we direct that the matter be listed again on 19.12.2014 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

C.B. Jabalpur

T.A. No. 489 of 2010

Anil Chaudhary
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></p> <p>Present : Shri D.K. Pandey, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>On call of the case a request has been made by Shri Shailendra Kumar Singh, Advocate, on behalf of learned counsel for the applicant that this case be taken up at Lucknow Bench of this Tribunal. Shri Singh also informed the Court that an application has already been moved in this regard before the Lucknow Bench of this Tribunal. However, that application is not on record. Shri Singh supplies a copy of that application. It is being taken on record.</p> <p>Accordingly, list this case on 16.1.2015 before the Court concerned 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

C.B. Jabalpur

T.A. No. 891 of 2010 with M.A. No 197 of 2014 and M.A. No 990 of 2014

Nashib Kaur
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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. Dubey, learned counsel for applicant and Shri S.S. Chauhan, learned counsel for the respondents, along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>This Transferred Application has been filed by the widow of late Capt. Jaswant Singh praying for pensionary benefits of her late husband, who had died in the year 2004.</p> <p>It has been impressed upon this Court by learned counsel for the applicant while taking us to Annexure 'A-1' that the husband of the applicant has served the Army for 15 years 6 months and 15 days and was discharged on compassionate ground as far back as in the year 1953. Learned Standing Counsel opposes this Transferred Application and the prayer clause on the ground, firstly, that the applicant's husband was dismissed from service, as such he is not</p>

entitled for pension, and, secondly, the husband of the applicant has not completed pensionable service period right upto the year 1953 i.e. the year of discharge/dismissal, therefore, the question of entitlement of pension by the applicant do not arise.

Learned counsel for the applicant opposes the argument of learned counsel for the respondent saying that the applicant was not dismissed from service, rather he had retired from service after rendering 15 years, 6 months and 15 days' service on compassionate ground.

The respondents are, therefore, directed to place on record such document, by means of an affidavit, wherein it be indicated that the applicant was dismissed from service within three weeks from today.

List on 17.12.2014 before the Circuit Bench at Jabalpur.

(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

C.B. Jabalpur

T.A. No. 918 of 2010

Smt. Viaijanti Pradhan
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the C.B. Nainital
	<p><u>13.10.2014</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.B. Singh, learned counsel for applicant, and Mrs. Kanak Gahairwal, learned counsel for the respondents along with Major Sameer Deshmukh, Departmental Representative.</p> <p>Learned counsel for the applicant has filed an amendment application today in Court after serving a copy of the same on learned counsel for the respondents. It is taken on record.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection.</p> <p>List on 18.12.2014 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>