

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**O.A. No. 245 of 2015**

**Ajay Kumar Tiwari**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.03.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt. Gen. A.M. Verma, Member (A)</u></b></p> <p>Present: Wg Cdr A.K. Singh, learned counsel for the applicant, and Shri G.S. Sikarwar, learned counsel for the respondents, along with Major Rohit Mishra, 1 Training Artillery Centre, Nasik, &amp; Major Soma John, Departmental Representatives.</p> <p>Heard learned counsel for the applicant on admission of this O.A. The point raised by learned counsel for the applicant is that after being declared deserter on 1.1.2011 the applicant went to join his duties on 15.2.2011 and put his signature in the in/out 2<sup>nd</sup> Gate Register of Artillery Centre, Nasik, on 15.2.2011 at 1000 hours. He was thereafter not allowed to join his duties. This fact is evident from the in/out 2<sup>nd</sup> Gate Register produced before this Court by Major Rohit Mishra and name of the applicant, Ajay Kumar Tiwari, find placed at Sl. No. 1 of that date and in the column of date and time 15.2.2011 at 1000 hours is mentioned. Thus there seems to be some substance in the argument of learned counsel for the applicant.</p> <p>Accordingly, we <b>admit</b> this O.A.</p> <p>In our order dated 23.2.2016 cost of Rs. 25,000/- was imposed on the</p>

respondents to be realised by the Commanding Officer, 2 Training Regiment, Nasik, from the pay and allowances of the officer/official, who flouted our orders repeatedly, to be paid to the applicant. Major Rohit Mishra, who appeared in Court, states that he has already deposited the amount in the A.F.T. Bar Association. The Secretary, A.F.T. Bar Association is directed to return the amount and deposit it with the Registrar of this Tribunal by means of a cheque within two weeks.

Since counter affidavit is already on record, learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.

List this case for orders on 18.7.2016 before the appropriate Court having jurisdiction as per roster of that date.

The 2<sup>nd</sup> Gate Register, brought by Major Rohit Mishra, is being returned to him with the caution that henceforth as and when the Court wishes to see the Register again it be produced on that date as to be ordered without fail.

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

(Justice Abdul Mateen)  
Member (J)

PG/-

