

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

1.
OA 433/2018

Ex Rect Dande Dipak Pramod : **Applicant**
Vs
UOI & Ors. : **Respondents**

For Applicant : Ms. Archana Ramesh, Advocate
For Respondents : Mr. S.P. Sharma, Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. Issue notice to the Respondents to show cause as to why the Original Application is not admitted.
2. Notice accepted by Mr. S.P. Sharma, learned Counsel for the Respondents.
3. Let reply affidavit be filed by the Respondents within four weeks with advance copy to the learned counsel for the Applicant and rejoinder, if any, may be filed by the Applicant within two weeks thereafter.
4. List on **28.05.2018**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

2.
OA 582/2018

Ex Hony. Nk Mahadeo Singh : **Applicant**
Vs
UOI & Ors. : **Respondents**

For Applicant : Mr.A.K. Trivedi, Advocate
For Respondents :Maj. Deepak Ranwah, OIC, L/C

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. After brief submission, the learned Counsel for the Respondents has raised an objection with regard to territorial jurisdiction of entertaining the OA in the Principal Bench of the AFT.
2. Learned Counsel for the Applicant very fairly states that he may be permitted to withdraw the OA with liberty to file fresh OA at appropriate Regional Bench of the AFT.
3. Having regard to the submissions made by the learned Counsel for the Applicant, **the application is disposed with as withdrawn** with liberty to file fresh OA at the appropriate Regional Bench of AFT.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

3.
OA 586/2018 with MA 464/2018

Hony Nb Sub Jagpal Singh Rathi (Retd.) : Applicant
Vs
UOI & Ors. : Respondents

For Applicant : Ms. Archana Ramesh, Advocate
For Respondents :Maj Deepak Ranwah, OIC, Legal Cell

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. The grievance of the Applicant in the instant case is that the Applicant ought to be given the pensionary benefit in the rank of Naib Subedar w.e.f. 01.01.2006 by relying on the order dated 12.06.2009 promulgated by Government of India, Ministry of Defence, a copy of which is annexed with the Original Application.

2. After hearing the learned Counsel for the Applicant as well as Maj Deepak Ranwah, the Officer Incharge, Legal Cell (Army) who is present in the Tribunal and has served an advance copy, we feel that the Respondents has raised a correct and legal objection with regard to the entertainability of the application at the Principal Bench as the Applicant is a resident of Meerut and by simply writing that he is presently in Delhi did not confer the jurisdiction under Principal Bench to entertain the application.

3. During the course of the arguments, the learned Counsel for the Applicant has submitted that since the benefit claimed by the

Applicant herein above has not been granted in terms of the policy letter dated 12.06.2009.

4. It has also been stated by the learned Counsel for the Applicant that in case the Applicant does not feel satisfied by the order so passed on the basis of the present application, the Applicant could raise his grievance before the Lucknow Bench of the Tribunal which is the appropriate Bench as the Applicant is permanently residing in Meerut.

5. Having heard the learned Counsels for the parties, we feel that there is no impediment in giving a direction to the Respondents to treat the present application as a representation made by the Applicant and deciding the grievance of the Applicant by passing a speaking order after obtaining necessary comments of the Records office as well as all concerned.

6. We hope and trust that the representation of the Applicant shall be decided as expeditiously as possible, but not later than four months from today. The decision so taken shall be duly communicated to the Applicant. In case the Applicant still feel aggrieved by the order so passed, he can assail the order at the Lucknow Bench of the AFT.

7. Accordingly, the OA is disposed off.

8. Order **DASTI**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**4.
OA 587/2018 with MA 466/2018**

**Hony Nb Sub Harpal Singh : Applicant
Vs
UOI & Ors. : Respondents**

**For Applicant : Ms. Archana Ramesh, Advocate
For Respondents : Mr. Shyam Narayan , Advocate**

**CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
21.03.2018**

1. The grievance of the Applicant in the instant case is that the Applicant ought to be given the pensionary benefit in the rank of Naib Subedar w.e.f. 01.01.2006 by relying on the order dated 12.06.2009 promulgated by Government of India, Ministry of Defence, a copy of which is annexed with the Original Application.
2. After hearing the learned Counsel for the Applicant as well as Maj Deepak Ranwah, the Officer Incharge, Legal Cell (Army) who is present on account of an advance copy having been served, we feel that the Respondents has raised a correct and legal objection with regard to the entertainability of the application at the Principal Bench as the Applicant is a resident of Meerut and by simply writing that he is presently in Delhi did not confer the jurisdiction to the Principal Bench to entertain the application.
3. During the course of the arguments, the learned Counsel for the Applicant has submitted that the benefit claimed by the Applicant

herein above has not been granted in terms of the policy letter dated 12.06.2009.

4. It has also been stated by the learned Counsel for the Applicant that in case the Applicant does not feel satisfied by the order so passed on the basis of the present application, the Applicant could raise his grievance before the Lucknow Bench of the Tribunal which is the appropriate Bench as the Applicant is permanently residing in Meerut.

5. Having heard the learned Counsels for the parties, we feel that there is no impediment in giving a direction to the Respondents to treat the present application as a representation made by the Applicant and deciding the grievance of the Applicant by passing a speaking order after obtaining necessary comments of the Records office as well as of all concerned.

6. We hope and trust that the representation of the Applicant shall be decided as expeditiously as possible, but not later than four months from today. The decision so taken shall be duly communicated to the Applicant. In case the Applicant still feel aggrieved by the order so passed, he can assail the order at the Lucknow Bench of the AFT as stated by him.

7. Accordingly, the OA is disposed off.

8. Order **DASTI**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

5.
OA 588/2018 with MA 467/2018

Hony Nb Sub Om Prakash Malik (Retd.) : Applicant
Vs
UOI & Ors. : Respondents

For Applicant : Ms Archana Ramesh, Advocate
For Respondents : Mr.Y.P. Singh, proxy for
Mr. Rooheen Kalra , Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. The grievance of the Applicant in the instant case is that the Applicant ought to be given the pensionary benefit in the rank of Naik Subedar w.e.f. 01.01.2006 by relying on the order dated 12.06.2009 promulgated by Government of India, Ministry of Defence, a copy of which is annexed with the Original Application.
2. After hearing the learned Counsel for the Applicant as well as Maj Deepak Ranwah, the Officer Incharge, Legal Cell (Army) who is present on account of an advance copy having been served, we feel that the Respondents has raised a correct and legal objection with regard to the entertainability of the application at the Principal Bench as the Applicant is a resident of Meerut and by simply writing that he is presently in Delhi did not confer the jurisdiction to the Principal Bench to entertain the application.
3. During the course of the arguments, the learned Counsel for the Applicant has submitted that the benefit claimed by the Applicant

herein above has not been granted in terms of the policy letter dated 12.06.2009.

4. It has also been stated by the learned Counsel for the Applicant that in case the Applicant does not feel satisfied by the order so passed on the basis of the present application, the Applicant could raise his grievance before the Lucknow Bench of the Tribunal which is the appropriate Bench as the Applicant is permanently residing in Meerut.

5. Having heard the learned Counsels for the parties, we feel that there is no impediment in giving a direction to the Respondents to treat the present application as a representation made by the Applicant and deciding the grievance of the Applicant by passing a speaking order after obtaining necessary comments of the Records office as well as of all concerned.

6. We hope and trust that the representation of the Applicant shall be decided as expeditiously as possible, but not later than four months from today. The decision so taken shall be duly communicated to the Applicant. In case the Applicant still feel aggrieved by the order so passed, he can assail the order at the Lucknow Bench of the AFT as stated by him.

7. Accordingly, the OA is disposed off.

8. Order **DASTI**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

6.
OA 590/2018 with MA 469/2018

Nk Manohar Singh (Retd.) : **Applicant**
Vs
UOI & Ors. : **Respondents**

For Applicant : Ms Archana Ramesh, Advocate
For Respondents : Mr. Shyam Narayan, Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. After brief submission, learned Counsel for the Applicant seeks permission to withdraw the Original Application with permission to file appropriate application against the impugned order RAJRIF Records Letter dated 14th March, 2017 at Regional Bench, Jaipur. The aforesaid application shall be filed within a month. If done so, the appellate authority may decide the application on merit and shall not dismiss the application because it is time barred.
2. A copy of the order be forwarded to RAJRIF Records also.
3. Accordingly, the OA is **disposed off**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

7.

OA 591/2018 with MA 470/2018

Ex Sepoy Shevendra Kumar Chauhan : **Applicant**
Vs
UOI & Ors. : **Respondents**

For Applicant : Ms Archana Ramesh, Advocate
For Respondents :Mr. Deepak Ranwah, OIC, L/C (Army)

CORAM:

HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

At request, list on **22.03.2018**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

8.
OA 592/2018 with MA 471/2018

Ex Hony Nb Sub Radha Mohan Singh : Applicant
Vs
UOI & Ors. : Respondents

For Applicant :Mr. U.S. Maurya, Advocate
For Respondents :Dr. V.S. Mahandiyan, Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. Issue notice to the Respondents to show cause as to why the Original Application is not admitted.
2. Notice accepted by Maj Deepak Ranwah, OIC L/C (Army).
3. For the present, we are not going into the question of delay. The Respondents are directed to file application with regard to delay in filing counter affidavit.
4. Let reply affidavit be filed by the Respondents within six weeks with advance copy to the learned counsel for the Applicant and rejoinder if any may be filed by the Applicant within two weeks thereafter.
5. List on **03.08.2018**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

9.
OA 177/2018 in OA 966/2017

Col. Anuj Kumar Singh : **Applicant**
Vs
UOI & Ors. : **Respondents**

For Applicant :None
For Respondents : Mr. V.S. Tomar, Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

The Officer Incharge, Legal Cell (Army) has intimated that PPO of the Applicant has been issued.

2. Learned Counsel for the Applicant has not objected to this statement.

2. Accordingly, the MA is disposed off.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

10.
MA 473/2018 in OA 1313/2017

Hav Tamal Baran Dev Roy : **Applicant**
Vs
UOI & Ors. : **Respondents**

For Applicant : Mr. S.S. Pandey, Advocate
For Respondents : Mr.V. Pattabhi Ram, Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. Learned Counsel for the Applicant seeks permission to withdraw the application with liberty to file fresh OA on account of some technical reasons.
2. The learned Counsel for the Respondents has no objection.
3. Accordingly, the MA is disposed with.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

11

OA (Appeal) 619/2015 with MA 958/2016

Ex Hav Manas Bhattacharjee : Applicant
Vs.
UOI & Ors : Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Karan Singh Bhati, Sr. CGSC with
Mr. Aman Brar &
Dr. Vijender Singh Mahndiyan, Advocates

WITH

12 – 43

**OA (Appeal) 569/2015 with MA 298/2017, OA (Appeal) 1130/2015,
OA(Appeal) 462/2016, OA (Appeal) 162/2017 with MA 1574/2017,
OA (Appeal) 163/2017, OA (Appeal) 164/2017, OA (Appeal)
165/2017, OA (Appeal) 166/2017, OA (Appeal) 167/2017, OA
228/2017 (TA 153/2016 (RB Jammu), OA (Appeal) 518/2016, OA
(Appeal) 519/2016, OA Appeal 458/2017 with MA 391/2017, OA
(Appeal) 460/2016, OA (Appeal) 232/2017, OA (Appeal) 468/2017
with MA 415/2017, OA (Appeal) 1050/2015 with MA 272/2016, OA
701/2017 with MA 642/2017, MA 1555/2017 & WITH MA 88/2018,
OA (Appeal) 702/2017 with MA 643/2017, OA (Appeal) 703/2017
with MA 644/2017 & MA 89/2018, OA (Appeal) 704/2017 with MA
645/2017, OA (Appeal) 705/2017 with MA 646/2017, OA (Appeal)
867/2017 with MA 771/2017, OA (Appeal) 1513/2015 (RB Chd.),
OA (Appeal) 895/2017 [OA (Appeal) 1524/2015 (RB CHD)], OA
(Appeal) 1015/2017 (OA 25/2016 (RB, CHD), OA (Appeal)**

**1016/2017 (OA 1479/2015 (RB, Chd), OA (Appeal) 1337/2017 with
MA 989/2017 ([OA (Appeal) 2174/2016 (RB, Chandigarh)**

For Applicant : Mr. S S Pandey, Advocate

For Respondents : Mr. Karan Singh Bhati, Sr. CGSC with
Mr. Aman Brar, Advocate
Mr. Avdhesh Kumar Singh, Mr. K.K.Tyagi,
Mr. Harish V. Shankar, Mr. Anil Gautam,
Mr. Shyam Narayan, Advocates

CORAM:

HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)

HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER

21.03.2018

- 1, After brief arguments, a short adjournment has been sought by the learned Senior CGSC for the Respondents.
2. Request not opposed.
3. The applicants in Item Nos. 24, 26, 27, 28, 38, 39, 40,41, 42 and 43 who were enlarged on bail are present at the time of hearing.
4. List on **22.03.2018**.

**(JUSTICE V K SHALI)
MEMBER (J)**

**(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)**

23.02.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

44.
OA 1245/2016

Ex AC(U/T) Vikas Kumar Singh : Applicant
Vs
UOI & Ors. : Respondents

For Applicant : Mr. V.S. Kadian, Advocate
For Respondents : Mr. Avdhesh Kumar Singh, Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. Learned Counsel for the Applicant seeks time to file Rejoinder.
2. Request not opposed.
3. List on **10.07.2018**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

45.

OA 574/2017 with MA 489/2017

Ex Sgt Bojjana Boina Veera Pratap : Applicant

Vs

UOI & Ors. : Respondents

For Applicant : None

For Respondents : Mr. K.K.Tyagi, Advocate

CORAM:

HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)

HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER

21.03.2018

Issue raised in the instant matter has already referred to Hon'ble Chairperson on 06.03.2018 for constitution of larger Bench.

Therefore, this matter may also tag with OA 1503/2016.

**(JUSTICE V K SHALI)
MEMBER (J)**

**(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)**

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

46.

OA 882/2017

Ex HFO Yogendra Singh : Applicant
Vs
UOI & Ors. : Respondents

For Applicant : Mr. V.S. Kadian, Advocate
For Respondents : Mr. V.Patabhram, Advocate

CORAM:

**HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

ORDER
21.03.2018

1. Time is sought for filing rejoinder.
2. List on **03.08.2018**.

**(JUSTICE V K SHALI)
MEMBER (J)**

**(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)**

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

47.

OA 1376/2017 with MA 1017/2017 & 1018/2017

Sep Satyabir Singh : Applicant

Vs

UOI & Ors. : Respondents

For Applicant : None

For Respondents : OIC, Legal Cell, MoD (Army)

CORAM:

HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)

HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

List on **27.03.2018**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

48.
MA 160/2018 in TA 73/2010

Lt. R.p. Yadav : **Applicant**
Vs
UOI & Ors. : **Respondents**

For Applicant :None
For Respondents : Mr. K.S. Bhati, Sr. CGSC

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. Learned Sr. CGSC for the Respondents seeks four weeks time to file reply. Let reply be filed within four weeks with an advance copy to the learned Counsel for the Applicant who may file rejoinder within two weeks thereafter.
2. List on **24.05.2018**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

49.

MA 190/2018 in OA 951/2015

Brig. M.J. Kumar : **Applicant**
Vs
UOI & Ors. : **Respondents**

For Applicant : Mr. S.S. Pandey, Advocate
For Respondents : Mr. Anil Gautam, Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. Further time is sought by the learned Counsel for the Respondents to obtain instructions.
2. Learned Counsel for the Applicant has contended that the Selection Board of the Applicant for the rank of Major General is to take place on April, 2018 and, therefore, there is certain urgency in the matter.
2. At request, list on **27.03.2018**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

50.

OA 1533/2017

Smt. Sukh Varsha Sharma
(Wd. of Late Maj R.K. Sharma) : Applicant
Vs
UOI & Ors. : Respondents

For Applicant : Mr. S.M. Dalal, Advocate
For Respondents : Mr. V.S. Mahndiyan with
Maj Deepak Ranwah, OIC, L/C, Army

CORAM:

HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.03.2018

1. After brief submission, it transpired that the Applicant was a heavy smoker and suffer from myocardial infraction at the time of his death which the Doctor had opined that it is on account of the Applicant being posted in Sri Lanka for a period of almost 18 months and consequently resulted in stressful living conditions. The point to be considered is as to whether the opinion of the said Doctor was approved or rejected by the higher competent medical authorities.
2. Let the complete medical record of the Applicant be produced in the Tribunal on the next date of hearing. The Officer Incharge of Legal Cell states that since the records pertains to the year 1989, it may take some time to trace the record and bring it to the Tribunal.
3. At request list on **04.05.2018**.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

51.

MA 390/2018 & MA 391/2018 in OA 739/2010

JWO U S Sharma

: Applicant

Vs

UOI & Ors.

: Respondents

For Applicant

: Mr. V.K. Sharma, Advocate

For Respondents

: Mr. K.S. Bhati, Sr. CGSC

CORAM:

HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)

HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER

21.03.2018

1. There is no appearance on behalf of the Applicant. It is already

12.50 P.M.

2. At request, list on **27.03.2018**.

**(JUSTICE V K SHALI)
MEMBER (J)**

**(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)**

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

15.

MA 1574/2017IN OA (Appeal) 162/2017

**Ex Hav (TA) Tapas Ranjan Rout
(Through His Brother Ashutosh
Kumar Tiwari) : Applicant
Vs
UOI & Ors. : Respondents**

**For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Karan Singh Bhati, Sr. CGSC with
Dr. Vijender Singh Mahndiyan, Advocate**

**CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
21.03.2018**

1. This is an application by virtue of which the interim suspension of sentence for a period of two months has been sought by the Applicant and thereafter, he may be enlarged on bail for a period of two months so as to enable him to get medical treatment including surgical intervention for attending to the medical condition of his son having a hole measuring 4 mm deected in his heart. Medical Report issued by the District Hospital, Balasore is annexed to the Application.

2. It has been further stated that presently, in the absence of the Applicant, who is lodged in jail, the only male member availablewith his family is his father, who is aged 60 years and is suffering from Tuberculosis and, therefore, he will not be capable of doing the needful for the surgical treatment of his son.

3. The learned Counsel for the Applicant, therefore, prayed for passing an ad interim order of suspension of the sentence of the Applicant who is presently lodged in District Jail, Keonjhar, Odisha and, thereafter, he may be enlarged on bail for a period of one month to attend to the urgent surgical treatment of his son.

4. Learned Counsel for the Respondents has not disputed the aforesaid submissions. He further submitted that if the Tribunal is feeling satisfied with the submissions made by the learned Counsel for the Applicant, Respondents has no objection in granting bail to the Applicant.

5. Having regard to the aforesaid submissions, we feel that there is no impediment in passing an ad interim order suspending the sentence of the Applicant for a period of four weeks and, thereafter, enlarging the Applicant on bail for attending to the medical needs of the son of the Applicant. For enlarging him on bail, the Applicant has to furnish a personal bond of Rs.30,000/- with one surety for the like amount to the satisfaction of the Principal Registrar, Armed Forces Tribunal (Principal) Bench, New Delhi.

6. Further, the bail is granted to the Applicant subject to the following conditions:-

- (a) He should remain in India and his passport, if any, should be surrendered to the Tribunal;
- (b) He should not influence any witnesses in the case;

- (c) He should not travel to any other place except to his native place/ or the place of treatment of his son and New Delhi, where his case is being heard.
 - (d) He shall not commit/involve in any other criminal activity during the bail period.
 - (e) The Respondents are directed to submit a verification report about the contents of the application and the factum of medical/surgical treatment of his son. In case averments are found false or incorrect, bail will be recalled/withdrawn with out notice.
7. Subject to the above conditions, the Applicant's bail application is allowed.
8. Order **Dasti** to both parties.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

25.

MA 357/2018IN OA (Appeal) 460/2017

**Ex Hav Lokendra Singh
(Through Mr. Deshraj Singh : Applicant
Vs
UOI & Ors. : Respondents**

**For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Karan Singh Bhati, Sr. CGSC,
Dr. Vijender Singh Mahndiyan, Advocate**

**CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
21.03.2018**

1. This is an application filed on 21st February, 2018, by virtue of which, the interim suspension of sentence for a period of two months has been sought by the Applicant and thereafter, he may be enlarged on bail for a period of two months so as to enable him to go through the entire process of making all the necessary arrangements for his daughter's marriage which is fixed on 18.04.2018.

2. The learned Counsel for the Respondents stated that they were not able to verify the factum of the proposed marriage of the daughter of the Applicant. In this regard, the learned Counsel for the Respondents has stated that on earlier occasion, on a similar plea of marriage, interim bail was sought, however, on verification, the facts were found to be incorrect.

3. In the instant case, the Respondents has not verified the factual position, even though the application has been filed on

21.02.2018 and copy given to them. The interim bail has been sought for solemnizing the marriage of his daughter. The Applicant is presently lodged in the District Jail, Bhind, Madhya Pradesh.

4. Having regard to the aforesaid submissions, we feel that there is no impediment in passing an ad interim order suspending the sentence of the Applicant for a period of six weeks (1 ½ months) and enlarging the Applicant on bail for making necessary arrangement and solemnizing the marriage of his daughter. The aforesaid period of 1 ½ months shall be reckoned after he is released from jail. After completion of the bail period, the Applicant shall surrender before the Superintendent of the Jail where he is presently lodged.

5. For enlarging him on bail, the Applicant has to furnish a personal bond of Rs.30,000/- with one surety for the like amount to the satisfaction of the Principal Registrar, Armed Forces Tribunal (Principal) Bench, New Delhi.

6. Further, the bail is granted to the Applicant subject to the following conditions:-

- a) He should remain in India and his passport if any should be surrendered to the Tribunal;
- b) He should not influence any witnesses in the case;
- c) He should not travel to any other place except to his native place/ or the place for solemnizing the marriage of his daughter and New Delhi where his case is being heard.
- d) He shall not commit/involve in any other criminal activity during the bail period.

e) The Respondents to submit a verification report about the contents of the application and the factum of marriage of his daughter. In case averments are found false or incorrect, bail will be recalled/withdrawn with out notice.

7. Subject to the above conditions, the Applicant's bail application is allowed.

8. Order **Dasti** to both parties.

(JUSTICE V K SHALI)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

21.03.2018 VKUL