

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

101.
OA 936/2019

Smt. Kamlesh Kumar M/o Capt Sagar Gaur VERSUS Union of India and Ors.	.....	Applicant
	.....	Respondents

For Applicant	:	Mr. A.K. Srivastava, Advocate with Mr. Amit Kumar, Advocate
For Respondents	:	Ms. Barkha Babbar, Advocate

CORAM

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
11.07.2019**

Heard Mr. A.K. Srivastava, learned counsel for the applicant.

If we look at the facts of the instant case, it appears as if active mediation has not taken place in the case at hand.

Without putting respondent No.4 to notice, we direct respondents No.1 to 3 to settle the issue projected in the instant OA amicably through mediation or any other mode whatsoever.

To report instructions, list again on 26th August, 2019.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

102.

OA 959/2019

Col Mukul Dev	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. Rajiv Manglik, Advocate
For Respondents	:	Gp Capt K.S. Bhati, Sr. CGSC
		Col S. Prabhu, MS Branch

CORAM

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
11.07.2019

Adjourned and list again on 17th July, 2019.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

103.

OA 974/2019

Lt Cdr Kaberi Kasturi	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. Santosh Krishnan, Advocate
For Respondents	:	Dr. V.S. Mahandiyar, Advocate
		Cdr Varun Singh, OIC, Legal Cell

CORAM

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
11.07.2019**

Heard Mr. Santosh Krishnan, learned counsel for the applicant, contends that the case of the applicant, on facts, is entirely distinguishable from the facts of OA 939/2019, which has been decided by the Tribunal on 5th July, 2019, which statement is disputed by learned counsel for the respondents.

However, we put the respondents to notice, which is accepted by Dr. V. S. Mahandiyar, learned counsel appearing for the respondents. Service is thus complete.

List again on 25th July, 2019. Short date for the reason that applicant is to be discharged on 6th August, 2019.

As the instant matter is at admission stage, short reply, if any in the meanwhile, with a copy in advance to be provided to learned counsel for the applicant.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

104.

OA (Appeal) 994/2019 WITH MA 1655/2019

Cpl Sandeep Singh Rawat	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. Ajit Kakkar, Advocate
For Respondents	:	Dr. V.S. Mahandiyar, Advocate
		Wg Cdr G.K. Sharma, OIC, Legal Cell

CORAM

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

ORDER
11.07.2019

Pursuant to our order of yesterday, i.e., 10th July, 2019, respondents, while complying with the directions contained in the said order, have supplied the findings and sentence of the DCM and copy of the order of the Confirming Authority Mr. Kakkar, who admits this fact.

Mr. Kakkar states that in the instant OA the relief sought for by the appellant is with regard to suspension of the execution of the substantive sentence with a further direction to the respondents to supply all relevant documents relating to DCM to the appellant. He fairly states that since he was not in possession of the finding of the DCM, whereby the appellant has been convicted and sentenced, he for that reason has impugned the charge sheet dated 24th April, 2019 only and now has placed on record a miscellaneous application seeking amendment in the relief reserving his right to

ask for amendment in the grounds of appeal at any subsequent stage, if need so arises. Copy of the said application has been provided to learned counsel for the respondents, who has not raised any objection to it and rightly so. We thus take the MA on board in the open Court and allow the same as prayed for. The relief clause now indicated in the MA (already allowed) shall be incorporated by the Registry in the main OA in **RED INK**.

Registry to tag the MA at its proper place after allotting it its regular number.

Main OA stands admitted. Issue notice Accepted by Dr. Mahandiyan, learned counsel appearing for the respondents. Call for GCM proceedings, one set thereof to be provided to Mr. Kakkar and two sets for the Tribunal for its perusal.

With regard to suspension of sentence during the pendency of the appeal, we hereby put respondents to notice to have their reply within three weeks with a copy in advance to be provided to learned counsel for the appellant.

List again on 7th August, 2019, before the Bench available.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

105.

OA 1020/2019

Sub Zala Popat Singh Zenu Sinh	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Ms. Archana Ramesh, Advocate
For Respondents	:	Mr. Rajeev Kumar, Advocate

CORAM

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
11.07.2019**

Since we want to see the order whereby the applicant was given extension of service for two years with effect from 4th June, 2018 to 3rd June, 2019, which is not available with either side, let this matter be placed on 15th July, 2019, before the Bench available on which date either side may produce the said order.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

106.
OA 1024/2019

Brig M. Indrabalan	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Ms. Neela Gokhale, Advocate with Ms. Shruti Dixit, Advocate
For Respondents	:	Mr. Tarunvir Singh Khehar, Advocate Ms. Jyotsana Kaushik, Advocate Col S. Prabhu, MS Branch

CORAM

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
11.07.2019**

Heard learned counsel for the applicant. Issue notice which is accepted by Mr. Tarunvir Singh Khehar, learned counsel appearing for the respondents. Service is thus complete.

Counter affidavit be filed within four weeks with a copy in advance to be provided to learned counsel for the applicant who may file, rejoinder, if any within two weeks thereafter.

List again on 21st August, 2018.

To be indicated in **ORDERS COLUMN**.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

107.
OA 1029/2019 WITH MA 1705/2019

Smt Sudarshana W/o Ex STD I Shiv Kumar VERSUS Union of India and Ors.	.....	Applicant
	.....	Respondents

For Applicant : Mr. V.S. Kadian, Advocate
For Respondents : Mr. J.S. Yadav, Advocate

CORAM

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
11.07.2019**

Keeping in view the totality of facts of the instant case, we issue notice to the respondents on MA 1705/2019 whereby the applicant is claiming condonation of delay of 2525 days as well as the main OA which is accepted by Mr. J.S. Yadav, learned counsel appearing for the respondents. Service is thus complete.

Counter affidavit be filed within four weeks with a copy in advance to be provided to learned counsel for the applicant who may file his rejoinder, if any, within two weeks thereafter.

List again on 22nd August, 2019.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

108.

OA 1037/2019

Maj Gen Sanjay Thapa	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant : Mr. S.S. Pandey, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
11.07.2019

Notice on admission which is accepted by Mr. Rajeev Kumar, learned counsel appearing for the respondents. Service is thus complete.

List again on 8th August, 2019.

Relevant records shall be kept handy by the respondents for the perusal of the Tribunal on the next date of hearing.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

201.

OA (Appeal)744/2019 WITH MA 1342/2019
AND MA 1562/2019

LS (UW) Ankit Kumar	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

WITH

202.

OA (Appeal)745/2019 WITH MA 1343/2019
AND MA 1559/2019

LS (UW) Kundan Kumar	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. Ajit Kakkar, Advocate
For Respondents	:	Mr. Harish V. Shankar, Advocate
		Dr. V.S. Mahandiyar, Advocate in
		OA (Appeal) No.745/2019

CORAM

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
11.07.2019

Put up this matter on 16th July, 2019, before the Bench
available.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

203.

MA 1446/2019 IN OA 1634/2018

Brig A.K. Tewari	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant : Mr. A.K. Bhardwaj, Advocate
For Respondents : Mr. Ashok Chaitanya, Advocate
CORAM

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
11.07.2019

MA 1446/2019

Mr. A.K. Bhardwaj, learned counsel for the applicant, on instructions of the applicant, withdraws the instant miscellaneous application for execution of the order 19th March, 2019 passed in the OA 1634/2018.

Statement made at the Bar stands recorded.

Resultantly the instant MA stands dismissed as withdrawn.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

204.

MA 1531/2019 IN OA 2019/2018

Maj Sandeep Choudhary	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. I.S. Singh, Advocate
For Respondents	:	Mr. V.S. Tomar, Advocate
		Maj Mahesh Sharma, AAG Legal-DV-5A MoD

CORAM

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
11.07.2019

MA 1531/2019

It has been brought to our notice by Mr. I.S. Singh, learned counsel for the applicant, on the instructions of the applicant, who is present in Court, that all the charges have now been dropped and that the disciplinary action has been converted into administrative action on certain administrative lapses altogether different from the original charges for which disciplinary proceedings were initiated against the applicant. According to learned counsel under the changed circumstances DV Ban imposed against the applicant has to be lifted for which the respondents have already initiated the process and perhaps no decision has yet been taken.

Learned counsel for the applicant further states that once DV Ban is lifted, there is no bar for the applicant in attending MTech Course at IIT Kharagpur which is starting from tomorrow, i.e. 12th July, 2019 and the applicant has also got an intimation from the concerned authorities for joining tomorrow and if he does not join, his candidature shall be treated as cancelled. Learned counsel has read out the message received by the applicant on his email.

Mr. V.S. Tomar, learned counsel for the respondents, who is assisted by Maj Mahesh Sharma, AAG Legal, DV 5A, MoD states that he may be given at least one hour to have latest instructions in the matter.

Keeping in view the urgency involved in this case, let this matter be taken up again in the second half of the day at 2.30 PM

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

This order be read in continuation of our order passed in the pre lunch session pursuant to which Maj Mahesh Sharma, AAG Legal, DV 5A, MoD has got the latest instructions stating that DV Ban imposed upon the applicant will be lifted today itself.

Being that the position in the case at hand, the applicant will be allowed to join MTech Course at IIT Kharagpur, starting tomorrow provided the policy/rules so permit.

MA at hand thus stands wrapped up accordingly.

A copy of this order be provided **DASTI** to learned counsel for the parties.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

205.

MA 1711/2019 IN OA 1161/2018

Brig Rajinder Singh	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. S.S. Pandey, Advocate
For Respondents	:	Gp Capt K.S. Bhati, Sr. CGSC for RR 1-3
		Mr. Tarunvir Singh Khehar, Advocate
		For R-4

CORAM

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
11.07.2019**

MA 1711/2019

For the reasons carved out in the instant application and there being no serious objection raised by Gp Capt K.S. Bhati, learned Sr. CGSC, in allowing the same, it is allowed.

List the main matter, which otherwise is posed for 19th December, 2019, before the appropriate Bench, as per roster, on 22nd July, 2019, for final consideration, the pleadings being complete in all respect, if not inconvenient to the Bench.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

/vks/

COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

PART HEARD

1.

OA 1024/2018 WITH MA 458/2019

Ex Lt Col Poonam Chaturvedi	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. S.s. Pandey, Advocate
For Respondents	:	Gp Capt K.S. Bhati, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
11.07.2019

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

401.

OA 208/2017 WITH MA 1157/2019

Lt Col Gaurav Bhardwaj	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant : Mr. H.S. Sharma, Advocate
For Respondents : Mr. V.S. Tomar, Advocate for RR 1-4
Mr. Rajesh Sehgal, Advocate for R-5

CORAM

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
11.07.2019

No time left.

Adjourned and list again on 19th September, 2019.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

402.

OA 115/2019

Lt Col Amit Mahendra Sharma	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant : Mr. Rajiv Manglik, Advocate
For Respondents : Mr. Tarunvir Singh Khehar, Advocate
CORAM

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
11.07.2019

No time left.

Adjourned and list again on 25th July, 2019.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/

