

ARMED FORCES TRIBUNAL, REGIONAL BENCH,
JABALPUR

No : AFT/JBP/Jud/11/573

Dated : 27 August, 2020


C I R C U L A R

1. AFT, Regional Bench, Jabalpur vide Circular No. AFT/JBP/Jud/11/566 dated 18th August, 2020 has circulated a draft SOP for Advocates participating in eCourt.
2. AFT, Principal Bench, New Delhi has issued a final SOP for all concerned for participating in hearings through video conferencing enclosed as Annexure "I".
3. The procedure to be followed for payment of Court fees and attaching the scanned copy of the receipt with application is enclosed as Annexure "II".
4. All concerned are to adhere to the SOP. Suggestions, if any, may be forwarded to this Bench for compilation and onward submission to the Principal Bench.
5. As per communication received from Principal Bench, composition of the Bench and Roster for Regional Bench, Jabalpur is as under:-

Hon'ble Mr Justice Mohammad Tahir, Member (J)
Hon'ble Vice Admiral (Retd) P. Murugesan, Member (A)

From 24 Sep 2020 to 25 Sep 2020.

6. The Cause list and time of proceedings of eCourts will be published in advance as per SOP accordingly.
7. Learned Advocates and litigants are informed accordingly.


(Gp Capt Sujeet Gupta)
Registrar

Copy to :-

1. Principal Registrar, AFT, Principal Bench, New Delhi – for information.
2. President Bar Association, Armed Forces Tribunal, Regional Bench, Jabalpur.
3. OIC Legal Cell (AFT), MB Area.
4. Notice Boards.
5. AFT, RB, Jabalpur - Website.
6. Office file.

SOP FOR ADVOCATES FOR PARTICIPATING IN
HEARINGS THROUGH VIDEO CONFERENCING

Filing of Applications

1. The present mode of filing of applications in hard copies will continue. However, for fresh applications, applications already filed and pending for listing and also applications of urgent nature, hearing shall be conducted through video conferencing.

2. Advocate/party-in-person who wishes to file fresh applications or desire to get the applications already filed and pending with the RBs heard, will file soft copy of the same in PDF version along with hard copy. In case, it is not possible to file hard copy at the Bench, the same may be sent by means of Post/Courier service with Acknowledgement due or by any other convenient mode. Various nuances of sending soft copy of the applications to the respective Benches are appended below :

(a) The PDF file is required to be **password** protected.

(b) This password may be same for all PDF files, pre decided by Registrar of RBs and shared with the advocates telephonically, with a commitment, that the same shall not be shared by them with anyone who is not concerned with the case. A certificate to this effect is required to be furnished by the advocate in this respect at the end of the application stating

"The password to this PDF has been shared with the following only :

.....
.....
.....

All of the above have been cautioned to not to share password with a person who is not concerned with the case.

Sig of Advocate/ Applicant"

(c) In case, copy of the application is to be served to the respondent by e-mail, advocates will be required to share the password with respondents also by way of telephone and not by e-mail. They will also caution the respondent, to not to share the password with anyone who is not concerned with the case. In case, the respondents do not have an e-mail id, the applicant will have to get the notice sent to them personally or by post or by any other mode.

(d) It is reiterated that password is not to be shared by e-mail by anyone.

(e) This password will also need to be intimated to the Registrars of Chandigarh, Chennai and Mumbai Regional Benches so as to facilitate them in opening of the files, prior to handing over the same to Hon'ble Members.

3. In case of hearing of application of urgent nature, a certificate shall be furnished by the Advocate/ Party in person, containing the following material facts and particulars :

- (i) The nature of matter;
- (ii) The date of the impugned order, if any;
- (iii) The reason for not filing it before, if the impugned order was made or the cause of action arose on the earlier date;
- (iv) The latest date upto which the matter can be heard in view of urgency indicated therein; and
- (v) The nature of interim order sought for which urgency is indicated must be mentioned.

4. The question of urgency of the matter will be decided by the Principal Registrar/Registrars.

5. E-mail in this behalf shall be forwarded at least **48 hrs in advance**.

6. After completion of the above said formalities, application for hearing urgent matters may be accepted.

7. Keeping in view the difficulties faced by advocates/parties-in-person during COVID-19 situation, the Hon'ble Chairperson has been pleased to permit payment of Court Fees by electronic mode, till further orders. All Registrars/Registrar I/Cs shall circulate details of Public Fund Account to all concerned for payment of the Court Fees by electronic mode. Procedure prescribed for accepting the fees and processing the case file by respective Registrars/Registrar I/Cs and all other concerned is at **Annexure 11**.

8. To facilitate convenient filing of matters by advocates/parties-in-person, the Hon'ble Chairperson has been pleased to permit filing of applications on A4 size paper, which can be scanned conveniently. However, scanned copies of Legal-size paper, will also be accepted. The line spacing shall be 1.5 and the alignment will be 'Justified', except for the Heading, which shall be in Capitals, Bold, Underlined and is to be in Centre. The name, size and colour of the font shall be as follows :

Name -	Arial
Size	- 14
Colour	- Black

9. Soft copy of application along with scanned copy of duly stamped receipt from Accounts Branch of the Bench may be filed by way of using any of the following methods :

(a) Through e-mail with NIC id. All RB's will take out circular to intimate official NIC mail id to the advocates for filing purpose.

(b) By Pen-drive. Pen-drive shall be retained by the respective Bench along with the documents with respect to the case in hard copy.

(c) By any other mode which may be prescribed.

10. After receipt of e-copy of fresh application, it shall be duly scrutinised.

In case of 'No Defect'

11. The Registrar on being satisfied that the application is in order, shall pass an order for registration of the application and shall notify the date for its listing.

12. Thereafter, the advocate/party-in-person shall be informed of the registration of the application, by e-mail, and they will file two sets of hard copies of the application.

13. After dispatch of the same, advocate/party-in-person, shall submit a declaration through e-mail to the effect that the hard copies of the application have been sent by way of registered post/courier service with acknowledgement due to the respective Regional Bench and furnish a proof of the same. Only on receipt of the proof of sending the hard copy of application, the Registrar shall send the soft copy of the application to the Listing Branch for its listing before the Bench, as per the date allotted by the Registrar.

14. The hard copies of Form No. 2 containing the noting/orders of the officer/official concerned shall be retained by the Registry of the Tribunal and shall be included in the hard copies, as and when the same are received in the Registry of the Tribunal.

In case of 'Defect'

15. On scrutiny, if the application has been found to be defective, defects contained therein shall be notified to the advocate/party-in-person in Form No. 6, by e mail, requiring him to cure the defects and re-file the soft copy in the password protected PDF version of the matter **within a period of seven days.**

16. The advocate/party-in-person shall furnish a **Certificate** to the effect that the contents of the PDF version of the application originally filed and the PDF version of the re-filed application are verbatim the same, except for the modification made in respect of the rectification of the defects pointed out to him. In case any other correction is made, that will also be notified to the Bench. Certificate to this effect will be furnished. The format of the certificate is appended below :

"Certified that the contents of the PDF application originally filed and the PDF application now being filed are verbatim same except for the modification that has been made while rectifying the defects pointed out vide Form 6 dated

And/Or

Certified that the contents of the PDF application originally filed and the PDF application now being filed are verbatim same except for the modification made in certain paras of the application. The details of the same are appended below :

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.....
.....

Signatures of Advocate/Applicant"

Thereafter the same procedure will be followed as mentioned from Para 11 to Para 14 above.

17. The hard copies of Form Nos. 2, 4 & 6 containing the noting/orders of the officer/official concerned shall be retained by the Registry of the Tribunal and shall be included in the hard copies, as and when the same are received in the Registry of the Tribunal.

In case of applications already submitted in hard copy and awaiting first listing

18. In case of the applications already submitted in hard copy and awaiting first listing, the advocate/party-in-person or the concerned party that desires for the application to be heard, will intimate the Bench about the same through e-mail and also in duly signed hard copy, which may be sent by registered post/courier service with acknowledgment due if delivering it in person is not feasible.

19. The advocate/party-in-person or the concerned party that desires for the application to be heard, shall scan the hard copy available with them, convert it to PDF and e-mail it to the Bench with the following Declaration/Certificate:

"Certified that the contents of the application originally filed in hard copy and the PDF application, now being filed for hearing by Video Conferencing are verbatim same"

Signatures of Advocate/Applicant"

20. Only on receipt of the said request via e-mail along with specified PDF application and declaration, Registrar shall send the application to the Listing Branch for its first listing before the Bench. **The entire process has to finish at least four days in advance of hearing of the case.**

21. Accordingly, **Cause List** for the hearing by Video Conferencing shall be prepared and published at Principal Bench **three days** prior to the hearing of the cases.

Procedure of hearing of cases by Video Conferencing

Set up for hearing by Video Conferencing:

22. The e-copies of the application along with documents are required to be completed and made available, **by the concerned party**, to the concerned Registrar, at least **five working days in advance**.

23. Respective Registrars shall compile list of applications and forward it to Principal Bench for preparation of the Final Cause List **four working days in advance**.

24. Cause List thus prepared by the Principal Bench shall be forwarded to respective Registrars for information of all concerned **three days in advance**.

Conduct of hearing by Video Conferencing

25. Hearing by Video Conferencing for the Bench as well as Registrar Courts shall be conducted through the secured portal of Microsoft Teams. While Court proceedings through Video Conferencing may start from 26 Aug 2020, the procedure for Registrar Court of Regional Benches will be forwarded separately.

26. All concerned parties shall download the Microsoft Teams App on their laptop/mobile phones. Preferable device for attending the e-court by the advocates and concerned parties is through laptop/Desktop, since the laptop/Desktop version is more user friendly.

27. All concerned are advised to be dressed up formally and seated in a conducive, free from distraction environment so that Court proceedings through Video Conferencing may be conducted smoothly while following proper decorum of the Court.

28. The Regional Bench whose case is to be heard will be responsible for sending the link for hearing by Video Conferencing to the respective Legal Officers of the Services, Advocates, Party-in-person and all other concerned with the case, after adding them at the scheduled hearing, one day prior to the scheduled hearing.

29. All the participants will be required to be logged in at least 15 minutes prior to the commencement of the Hearing by Video Conferencing.

30. It will be the responsibility of all participants to keep their voice on mute and only those who need to speak shall un-mute it. Failing this, the Administrator/ Organiser of the Video Conference will have the authority to mute the participants.

Formalities after hearing by Video Conferencing

31. Till such time Digital Signatures are obtained, Registrar of the Regional Bench whose Hon'ble Member (A) is part of the Bench, after obtaining the signatures of the Hon'ble Member (A) on the Order Sheet shall compile all the orders, colour scan it and forward through NIC mail ID and also hard copy by registered post/speed post with the acknowledgment due to the Registrar of Regional Bench whose Hon'ble Member (J) is a part of the Bench. After the order is signed by Hon'ble Member (J), it will be scanned and uploaded for the information of public at large, on the website of Regional Bench, if available and also forwarded to Principal Bench for uploading on internet.

32. After the signatures of Hon'ble Member (A) and Hon'ble Member (J), the Registrar will despatch the collated orders in hard copy to the respective Regional Benches.

Caution

33. It may be noted that since the cases/applications at Armed Forces Tribunal pertain to Defence Services personnel, discretion and reasonable secrecy is required to be maintained while handling such cases. Therefore, adhering to the instructions with respect to password protection of the concerned files and using NIC e-mail medium has to be strictly adhered to. All concerned are required to take all such necessary steps and precautions, that may be required, to maintain secrecy and discretion of the matters being dealt with. No such content may be posted on the internet, which is of National concern or which may compromise with the safety and security aspects of the individual or Nation.

PROCEDURE FOR ONLINE PAYMENT OF COURT FEE

Advocates or the party in person, as the case may be, may deposit Court Fees by electronic medium temporarily i.e. till the COVID situation lasts. The following procedure is to be followed :-

1. Online Payment of Court Fees may be made directly to Public Fund Account of AFT, Regional Bench, Jabalpur. Details are as under:-

Account Holder : Armed Forces Tribunal, Regional Bench, Jabalpur
Bank Name : State Bank of India
Account No : 35726703523
IFSC : SBIN 0007208
Address of Bank : SBI, Ridge Road, Jabalpur (MP)

2. After remittance of the fee by the concerned party, the details of the transaction i.e. **transaction ID, amount and name of the applicant** etc. are required to be mailed to the e-mail ID – aoaftjbp@gmail.com.
3. Accounts Section will take a print out of the e-receipt so forwarded by the concerned party. After duly verifying it, if found correct, will endorse on it "Payment Received", sign it and duly stamp it, in which name of the verifying officer will be clearly mentioned.
4. Accounts Section will then scan the said stamped and verified hard copy and mail it back to the concerned party. At the same time, Accounts Section will forward the hard copy to Judicial/Filing Section for verification of the payment.
5. The concerned party will scan as well as take a print out of such verified payment receipt, attach it to the Application/Documents (both in soft copy as well as hard copy) and forward it to the Registry/Filing Section (as the case may be) of the Bench for further necessary action, through e-mail. Hard copy may be sent separately by post/courier or personally.