Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 442 of 2021

Ex. Hav. Avadh Bihari Tiwari Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. Original Application is **allowed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 499 of 2021

Ex. Hav. Raghubir Singh Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. Original Application is **dismissed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 81 of 2021

Ex. Rect. Brijesh Kumar Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Rejoinder Affidavit filed by the applicant is taken on record. Heard Shri Shiv Kumar Saroj, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents. Original Application is **dismissed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 738 of 2021

Hav. (Amb. Asst.) Madhav Prasad Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Vishvesh Kumar, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Ashok Kumar, Advocate holding brief of Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Vishvesh Kumar, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents raises objection regarding maintainability of the Original Application saying Original Application being filed against severe reprimand is not maintainable in view of Section 3(o)(iii) of the Armed Forces Tribunal Act, 2007. The matter needs hearing. List on **15.12.2021** for hearing on maintainability of Original Application. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 746 of 2021

Ex. Sub. (Hony. Capt.) Jaipal Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondent Nos. 1 to 4 is taken on record. Heard Shri Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondent No. 1 to 4. The points raised in Original Application needs adjudication, therefore, admitted for hearing. Ld. Counsel for the respondent Nos. 1 to 4 seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. Issue notice to respondent Nos. 5 to 8 returnable within four weeks. Steps for notice be taken within a week. List the matter before Registrar on **18.01.2022** for exchange of pleadings. List the matter before Tribunal on **04.03.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 747 of 2021

Ex. MWO Krishna Kumar Tripathi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record. Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents. The matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **18.01.2022** for exchange of pleadings. List the matter before Tribunal on **04.03.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 748 of 2021 with M.A. No. 887 of 2021

Ex. Nk. Budhi Lal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Alok Kumar Mishra, Advocate on behalf of the respondents is taken on record. Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents. The Original Application has been filed with delay of 11 years and 13 days. The submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate, but on account of facts stated in affidavit filed in support of application. Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay is not satisfactory. We have gone through affidavit filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient. As such, delay in filing application is condoned. Application stands decided accordingly. **O.A. No. 748 of 2021** The matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **18.01.2022** for exchange of pleadings. List the matter before Tribunal on **04.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 749 of 2021 with M.A. No. 888 of 2021

Ex. Nk. Shyamal Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record. Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. As per office note, there is no delay in filing Original Application, however, an application for condonation of delay has been moved which being not required is **dismissed**. The applicant has filed instant Original Application to grant 20% additional service pension on attaining the age of 80 years. Ld. Counsel for the respondents to seek instructions within three weeks in the matter. List on **13.01.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 750 of 2021 with M.A. No. 889 of 2021

Ex. Rect. Ajit Kumar Giri Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents. The Original Application has been filed with delay of 12 years, 02 months and 29 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 750 of 2021** The matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **18.01.2022** for exchange of pleadings. List the matter before Tribunal on **04.03.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 751 of 2021 with M.A. No. 890 of 2021

Ex. Hav. Mohammad Aziz Khan Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajesh Shukla, Advocate on behalf of the respondents is taken on record. Heard Shri Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents. The Original Application has been filed with delay of 19 years, 02 months and 13 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 751 of 2021** The matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **18.01.2022** for exchange of pleadings. List the matter before Tribunal on **04.03.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 752 of 2021 with M.A. No. 892 of 2021

Vijay Bahadur Singh & Others Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Manu Kumar Srivastava, Advocate on behalf of the respondents is taken on record. Heard Shri Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicants and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents. The Original Application has been filed with delay of 13 years, 08 months and 13 days. Submission of learned counsel for the applicants is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicants is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is **condoned**. Delay condonation application stands decided accordingly. **O.A. No. 752 of 2021** The matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **18.01.2022** for exchange of pleadings. List the matter before Tribunal on **04.03.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 753 of 2021 with M.A. No. 895 of 2021

Ex. Hav. Ram Bachan Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. The Original Application has been filed with delay of 14 years, 01 month and 13 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 753 of 2021** The matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **18.01.2022** for exchange of pleadings. List the matter before Tribunal on **04.03.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 754 of 2021 with M.A. No. 896 of 2021

Ex. Nk. Santosh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents. The Original Application has been filed with delay of 19 years and 13 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 754 of 2021** The matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **18.01.2022** for exchange of pleadings. List the matter before Tribunal on **04.03.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 755 of 2021 with M.A. No. 897 of 2021

Ex. Hav. Manoj Kumar Mishra Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. Heard Shri Rama Kant and Shri Ajay Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. It is submitted by Dr. Shailendra Sharma Atal, Ld. Counsel appearing on behalf of respondents that present Original Application may be dismissed being not maintainable as it has been filed against the order of severe reprimand passed in Summary Trial. For this, he has relied on the Judgment of Armed Forces Tribunal, Principal Bench, New Delhi in Original Application No.665 of 2020, ***Dfr. Shatrughan Singh Tomar Vs. Union of India and Others***, decided on 07.04.2021 wherein it has been held that order of Severe Reprimand passed in Summary Court Martial being not included in service matters as defined in Section 3(o) of the Armed Forces Tribunal Act, 2007, the Original Application filed against the same is not cognizable by the Armed Forces Tribunal. We have gone through the judgment referred to above and we find that in view of what has been said in the judgment, the order of Severe Reprimand awarded in Summary Trial does not fall in the purview of service matters under Section 3(o) of the Armed Forces Tribunal Act, 2007 and, therefore, Original Application filed against such an order is not maintainable and is liable to be dismissed as such. Accordingly, Original Application is **dismissed** being not maintainable. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 872 of 2021 Inre : O.A. No. 45 of 2020

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Ex. Sgt. Rajeev Kumar Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India & Others. For the reasons stated in affidavit filed in support of correction application, correction application is **allowed**. In the Judgment dated 26.08.2021 the service number of applicant be corrected as **'774905-N'** in place of '770905-N'. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
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Court No.1

Ex. A. No. 203 of 2016 Inre : T.A. No. 39 of 2013

Selina John Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri D.K. Pandey, Ld. Counsel for the respondents is present. The stay order granted by the Hon'ble Apex Court still holds good. List on **30.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 73 of 2017 Inre : T.A. No. 96 of 2016

Maj. Gen. D.V.S. Rana Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present. The stay order granted by the Hon'ble Apex Court still holds good. List on **30.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
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Court No.1

Ex. A. No. 101 of 2017 with M.A. No. 16 of 2018 Inre : Ex. A. No. 40 of 2013
Inre : O.A. No. 332 of 2012

Ram Sajiwan Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Shyam Bihari Tiwari, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. The Ld. Counsel for the respondents submitted that four weeks further time be granted to pay the cost imposed upon the respondents which is allowed. Regarding payment made by the Treasury in terms of the P.P.O. issued by the respondents, the submission of Ld. Counsel for the applicant is that amount is not being credited by the Treasury as per P.P.O. He also drew our attention to the extract of passbook of Punjab National Bank wherein there is credit entry of Rs.2,84,826/- and Rs.3,34,506/- on 20.01.2021 and also that applicant was earlier getting Rs.31,317 as pension which reduced to Rs.26,700/- in April, 2021, Rs.25,334/- in May, 2021, June, 2021, July, 2021 and thereafter Rs.30,098/- in September, 2021. This shows that there is variation in payment which is to be clarified by the Treasury Officer. The Treasury Officer, Sultanpur is, therefore, directed to be present in person the next date fixed to explain as to why there is variation in pension of the applicant. List on **12.01.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 80 of 2018 Inre : R.A. No. 17 of 2011 Inre : T.A. No. 288 of 2010

Smt. Darko Devi W/o Late Ex. Hav. Chhote Lal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents. It is submitted by the Ld. Counsel for the respondents that 90% of the order under execution has been complied with and in regard to remaining 10% submitted that the same could not be done due to non-submission of original death certificate of her husband by the applicant. The reason given by the respondents for non-compliance of the order is not acceptable, more so when the husband of died during the pendency of Transferred Application and applicant was allowed to be substituted in his place on death certificate of the soldier. It appears that respondents are not complying with the order on the reason which is not acceptable at all. They are, therefore, directed to comply with the order within four weeks failing which they shall be liable to pay Rs.10,000/- as cost to the applicant. List on **20.01.2022**. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 116 of 2018 Inre : O.A. No. 137 of 2017

Awadhesh Kumar Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. The Ld. Counsel for the respondents submits that order under execution has been complied with. He further submits that he will be filing affidavit of compliance in registry today during the course of the day. List on **26.11.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 193 of 2018 Inre : O.A. No. 145 of 2013

Satendra Singh Pal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. The Ld. Counsel for the respondents submits that Special Leave Petition filed against the order under execution has been dismissed on 12.11.2021. He further submits that immediately after the dismissal of Special Leave Petition the matter has been processed by the department for implementation of the order, therefore, four weeks further time be granted to file affidavit of compliance. It is also submitted by him that cost Rs.20,000/- imposed vide order dated 16.09.2021 has been deposited. However, the submission of Ld. Counsel for the applicant in this regard is that cost Rs.25,000/- imposed on 16.02.2021 and Rs.10,000/- imposed on 24.03.2021 are still unpaid. Considering the facts and circumstances of the case, the respondents are allowed four weeks time to file affidavit of compliance failing which Director (OS), OS Directorate, Integrated Headquarters of Ministry of Defence (Army), DHQ PO, New Delhi shall remain physically present in Court on the next date fixed to explain the reason for non-compliance of the order. Respondents are further directed to deposit the entire costs due against them by the next date fixed. List on **24.01.2022**. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 45 of 2019 Inre : O.A. No. 110 of 2018

Ex. Hav. Dinesh Pal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Ms. Amrita Chakraborty, Ld. Counsel for the respondents is present and she submits that order under execution has been complied with. We have gone through the affidavit of compliance and we find that it is not in terms of the order dated 17.10.2018 passed by this Tribunal in Original Application No. 110 of 2018 as disability element has been paid to the applicant from three years prior to the filing of Original Application, whereas the direction is to pay it with effect from 01.01.1996. The respondents have also not deposited the cost imposed upon them. They are, therefore, directed to make complete compliance of the order within four weeks from today failing which the matter will be viewed seriously. List on **25.01.2022**. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 02 of 2020 Inre : O.A. No. 269 of 2015

Ex. Nb. Sub. Radhey Shyam Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. It is submitted by the Ld. Counsel for the applicant that applicant has to file detailed objection against affidavit of compliance which could not be filed due to illness of applicant's wife. He also submits to grant four weeks time to file objection. List on **25.01.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 03 of 2020 Inre : O.A. No. 238 of 2019

Ex. L/Nk. Awadhesh Kumar Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. The Ld. Counsel for the respondents submits that order under execution has been complied with. He further submits that he will be filing affidavit of compliance in registry today during the course of the day. List on **26.11.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 08 of 2021 Inre : O.A. No. 282 of 2016

Varun Kumar Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. It is submitted by the Ld. Counsel for the respondents that respondents have filed a Special Leave Petition before the Hon'ble Apex Court against the order of Larger Bench which is likely to be come up for hearing very soon, therefore, four weeks further time be granted to make compliance of the order. Considering the facts and circumstances of the case, respondents are directed to either bring stay order or to make compliance of the order within four weeks from today failing which they shall be liable to pay Rs.10,000/- as cost to the applicant. List on **25.01.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 19 of 2021 Inre : O.A. No. 553 of 2018

Ex. Sep. Ram Otar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R.K. Sharma, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. It is submitted by the Ld. Counsel for the respondents that matter has already been processed for implementation of the order and there being some administrative issue the same could not be done, therefore, four weeks further time be granted. Considering the facts and circumstances of the case, four weeks further time is granted to make compliance of the order and it is clarified that if the order is not complied with within the time given, the respondents shall pay Rs.10,000/- as cost to the applicant. They are further directed to deposit the entire cost due against them by the next date fixed. List on **31.01.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 22 of 2021 Inre : O.A. No. 552 of 2018

Ex. Hav. (Hony. Nb. Sub.) Hari Shyam Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 4 and Shri D.C. Lohumi, Ld. Counsel for the respondent No. 5 and 6 are present. Vakalatnama as well as affidavit of compliance filed by Shri D.C. Lohumi, Advocate on behalf of respondent Nos. 5 and 6 are taken on record. The Ld. Counsel for the applicant seeks and is allowed two weeks time to file objection. List on **17.01.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A. No. 667 of 2021 with M.A. No. 760 of 2021

Ex. Hav. (Hony. Nb. Sub.) Sis ram Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents. The Original Application has been filed with delay of 10 years, 03 months and 02 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 667 of 2021** Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection. With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents. Let a copy of this order be provided to the learned Counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 832 of 2021 Inre : Ex. A. No. 38 of 2020 Inre : O.A. No. 109 of 2016

Ex. Hav. Amar Nath Singh Kharwar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Diwakar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. This application has been moved by the respondents seeking exemption of A.D.G. (P.S.) from his personal appearance on the date fixed i.e. 29.11.2021. It is submitted by Shri Yogesh Kesarwani, Ld. Counsel for the respondents that grievance raised in Original Application in which the order under execution has been passed had already been redressed by the respondents while implementing the order dated 31.05.2013 passed in Transferred Application No. 638 of 2010, therefore, applicant had no occasion to file subsequent Original Application for the same relief. It is further submitted that despite the aforesaid the order passed in subsequent Original Application has been complied with and affidavit of compliance has been filed and, in view of which, the physical presence of A.D.G. (P.S.) be dispensed with. Considering the aforesaid facts, the personal appearance of A.D.G. (P.S.) on 29.11.2021 is **dispensed** with. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

T.A. No. 6 of 2014

Sepoy Ramesh Prasad Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard arguments of Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents. **Judgment reserved**. The Ld. Counsel for the applicant may submit Written Arguments within ten days after serving its copy to the Ld. Counsel for the respondents who may also file Written Synopsis within ten days thereafter. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex-A/59 of 2021 Inre O.A. No. 231 of 2017

Kalyan Singh Rawat Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri AK Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Learned counsel for the respondents submits that as per order dated 30.08.2017 passed in O.A. No. 231 of 2017 the respondents were directed to pay disability pension to the applicant @ 30% for two years to be rounded off to 50% with directions to hold RSMB to assess further disability of the applicant, if any. He further submits that in compliance of the aforesaid order, the applicant has been paid disability pension for a period of two years from the date of discharge and after holding RSMB in the year 2018 in which the applicant was found suffering with the same disability, he has been allowed the disability pension @ 50% for life from the date of RSMB. Thus, his submission is that order under execution has been fully complied with. In reply, the learned counsel for the applicant submits that as per order dated 30.08.2017 the applicant has been allowed disability pension @ 30% for two years to be rounded off to 50% for life with directions to the respondents to hold RSMB to assess his further disability, if any. He submits that it was the duty of the respondents to hold RSMB immediately after the expiry of two years period which being not held, the applicant cannot be blamed for the same, moreso when in RSMB held in the year 2018 applicant has been found to be suffering with the same disability with same percentage and has been allowed disability pension @ 50% also from the date of RSMB. Thus, his submission is that disability pension @ 30% to be rounded off to 50% being not paid for the intervening period of 01.08.1998 to 23.04.2018, a direction be issued to respondents to pay disability pension for this period also. We have gone through the order dated 30.08.2017 passed in O.A. No. 231 of 2017 and we find that while allowing the application for grant of disability pension the respondents were directed to pay the disability pension to the applicant @ 30% for two years to be rounded off to 50% for life and they were

	further directed to hold RSMB in the matter to assess further disability of the applicant, if any. In compliance of the order dated 30.08.2017 the RSMB was held in the year 2018 in which applicant was found to be suffering from the same disability with same percentage. With the result, he has been allowed disability pension @ 50% from the date of RSMB. The medical condition of the applicant being same during the intervening period, applicant is entitled to get disability pension @ 50% for this period also which being not paid by the respondents, they are directed to pay disability pension of this period @ 50% by issuing a Corr PPO. They are further directed to complete this exercise within a period of 04 weeks from today. List on **08.02.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 479 of 2020 Inre O.A. (Nil) of 2020

Ex Hav Parmanand Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Wg Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, learned counsel for respondent No 1-4 and Shri Shivanshu Bajpai, Ld. Counsel for respondent No 5 are present. It is submitted by learned counsel for the respondent No 5 that in compliance of order dated 15.09.2021 a sum of Rs 1,43,448/- has been credited in applicant's account on 19.11.2021. Learned counsel for the applicant does not dispute the same, rather he admits it and submits that order under execution has been fully complied with. Accordingly, M.A. No. 479 of 2020 is **dismissed** being rendered infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 370 of 2020 with M.A. No. 697 of 2021

Ex Nk Khushal Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none is present on behalf of the applicant to represent the case. Shri Rajiv Pandey, Ld. Counsel for the respondents is present and he submits that for the same relief in O.A. the applicant had filed M.A. No. 2050 of 2019 inre O.A. No. 151 of 2019 in AFT, Principal Bench, New Delhi which was dismissed as withdrawn on 31.01.2019 with liberty to applicant to file before appropriate forum. Thus, he submits that the earlier O.A. has been dismissed with liberty to file it at appropriate forum and not before this Bench hence application filed before this Bench should be dismissed being not maintainable. Considering that earlier O.A. filed by the applicant for the same relief has been dismissed as withdrawn by the AFT, Principal Bench, New Delhi with liberty to applicant to file before appropriate forum which admittedly is not this Bench, and this fact being not disclosed in the present O.A., the same is liable to be dismissed being not maintainable apart from being liable to be dismissed in default. Accordingly, O.A. is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 285 of 2021

Ex Sub Maj Indrapal Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondent No 1-4 are present. No one is present on behalf of respondent No 5 & 6 despite service of notice being held sufficient, nor counter affidavit has been filed on their behalf. The O.A. shall proceed ex-parte. Respondent No 1-4 have already filed counter affidavit and the same is taken on record. Learned counsel for the applicant seeks and is allowed two weeks time to file rejoinder affidavit. List on **11.02.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 505 of 2021

Ex AC Delip Kumar Dixit Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and JWO Yashpal Yadav, Departmental Representative for the respondents are present. Departmental representative seeks and is allowed four weeks further time to file counter affidavit. List on **17.01.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 506 of 2021

Ex Rfn Akhilesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri SR Yadav, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present. Counter affidavit filed by the respondents is taken on record. Learned counsel for the applicant prays and is allowed two weeks time to file rejoinder affidavit. List on **14.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 508 of 2021

Hav (Lab Asst) Deepu R Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. Learned counsel for the respondents seeks and is allowed 03 weeks time to file counter affidavit. List on **18.02.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A. No. 548 of 2021 with M.A. No. 580 of 2021

Ex Sep Suraj Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Advocate holding brief for Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. Objection against delay condonation application filed by the respondents is taken on record. **M.A. No. 580 of 2021** Applicant has filed this application against order of his dismissal from service. There is a delay of 11 months and 13 days in filing application. Submission of learned counsel for the applicant is that delay in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that delay in filing application has not been properly explained. Considering the facts and circumstances of the case, we find that cause shown is sufficient. Accordingly, delay is condoned. Let Original Application be registered. **O.A. No. 548 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List this case on 18.01.2022 before the Registrar Court for exchange of pleadings and thereafter on 04.03.2022 for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

M.A. No. 832 of 2021 Inre Ex.A/38 of 2020
Inre O.A. No. 109 of 2016

Ex Hav Amar Nath Singh Kharwar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yogesh Kesarwani, Ld. Counsel for the applicant and Shri Diwakar Singh, Ld. Counsel for the respondents are present. List on **29.11.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 843 of 2021 Inre O.A. No. 129 of 2013

Rifleman Rajendra Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri VP Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. The case is listed for hearing on 02.12.2021. Since no early hearing is possible, application for early hearing is dismissed. List on **02.12.2021** for hearing. Registry is directed to trace GCM proceedings including original records and place before the Bench on the date fixed. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

M.A. No. 905 of 2021 Inre O.A. No. 470 of 2018

Capt Uday Shankar Thakur Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing applicant in person and Shri RC Shukla, Ld. Counsel for the respondents are present. List on **10.12.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 271 of 2018

Shiv Bhushan Mishra & another Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Akhilesh Tripathi, Ld. Counsel for the applicants and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. List on **01.12.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No 484 of 2018 with M.A. No. 113 of 2019

Nb Sub Jagbhan Singh Tomar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri JN Mishra, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present. List on **26.11.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. 543 of 2018

Ex Hav Vijay Malik Applicant
By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Advocate holding brief for Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. List on **08.12.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 303 of 2021

CHM Kishan Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Lalit Kumar and Dr. Ashish Asthana, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, four weeks further time is granted to file counter affidavit. List on **18.02.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

M.A. No. 910 of 2021 with M.A. No. 911 of 2021
Inre O.A. No. 4 of 2020

Union of India & Ors Applicant-respondents
By Legal Practitioner for the Applicant-respondents

Versus

Ex Rect Tapas Kumar Adak Respondent-applicant
By Legal Practitioner for Respondent-applicant

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Amit Jaiswal, learned counsel for the applicant-respondents and Shri Abhinav Bhattacharya and Shri Abhijeet Mukherjee, learned counsel for the respondent-applicant are present. **M.A. No. 910 of 2021** This is an application for condonation of delay under Section 5 of the Limitation Act in filing application for leave to appeal. The application has been preferred after lapse of statutory period. The Tribunal lacks jurisdiction to condone the delay. In view of above, application for condonation of delay in filing application for leave to appeal is **rejected**. **M.A. No. 911 of 2021** Since application for condonation of delay has been rejected, in consequence thereof, application for leave to appeal is also **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A.(A) No 347 of 2020

Ex Lance Nk Gaurav Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Ors Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.11.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Dr. Gyan Singh, learned counsel for the respondents. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore