

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

M.A. No. 62 of 2021 alongwith T.A. No. 1 of 2021
Inre O.A. No. 489 of 2020

Nb Sub Sansal Kumar G

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>01.03.2021</u></p> <p><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></p> <p><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none appeared on behalf of the applicant.</p> <p style="text-align: center;">Dr. Shailendra Sharma Atal, learned counsel for the respondents is present.</p> <p style="text-align: center;">List on 19.03.2021.</p> <table style="width: 100%;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>rathore</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

M.A. No. 135 of 2021 Inre O.A. (Nil) of 2021

Ex Hav Arvinda 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
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present from both the parties.</p> <p style="text-align: center;">List on 22.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

M.A. No. 138 of 2021 Inre O.A. (Nil) of 2021

Ex Sub Radhe Shyam Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri R Chandra, learned counsel for the applicant is reported to be out of station.</p> <p style="text-align: center;">Memo of appearance filed by Shri Kaushik Chatterji, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents. He seeks and is allowed two weeks time to file objection.</p> <p style="text-align: center;">List on 24.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

O.A. No. 143 of 2021

Sep Satya Prakash Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Ors
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col AK Srivastava (Retd), learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p>The case is fit for adjudication Admit.</p> <p>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.</p> <p>List this case on 03.05.2021 before the Registrar Court for exchange of pleadings and thereafter on 17.05.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Court No.1 (E. Court)

Ex-A/7 of 2021 Inre T.A. No. 1283 of 2010

Ex Sep Inderjeet Kumar Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents. He seeks and is allowed two weeks time to seek instructions from the appropriate authority.</p> <p>Shri R Chandra, learned counsel for the petitioner is reported to be out of station.</p> <p>List on 09.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Court No.1 (E. Court)

M.A. No. 136 of 2021 with M.A. No. 137 of 2021
Inre Ex-A/43 of 2018 Inre M.A. No. 972 of 2017

Rect Shailesh Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name shall be shown as counsel for the respondents.</p> <p>On the case being taken up for hearing none appeared on behalf of the applicant to represent his cause.</p> <p>List on 22.03.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Court No.1 (E. Court)

Ex-A/194 of 2017 Inre O.A. No. 99 of 2016

Kishan Kumar

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none appeared on behalf of the applicant to represent his cause.</p> <p style="text-align: center;">Shri Kaushuk Chatterji, learned counsel for the respondents is present.</p> <p style="text-align: center;">List on 27.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Ex-A/4 of 2018 Inre O.A. No. 212 of 2015

Ex Hav Jugendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none appeared on behalf of the applicant to represent his cause.</p> <p>Shri Namit Sharma, learned counsel for the respondents is present.</p> <p>List on 26.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Ex-A/86 of 2018 Inre T.A. No. 595 of 2010

Vijay Keshav Singh Petitioner
By Legal Practitioner for the Petitioner
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none appeared on the side of applicant.</p> <p>Shri Anurag Mishra, learned counsel for the respondents is present.</p> <p>Affidavit of compliance filed by learned counsel for the respondents is taken on record.</p> <p>List on 18.03.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Ex-A/18 of 2019 Inre T.A. No. 79 of 2016

Smt Kanti Devi

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Shri Anurag Mishra, learned counsel for the respondents is present.</p> <p>On perusal of record it appears that notices sent to respondent No 5 and 6 have not been received undelivered. Wait.</p> <p>List on 05.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Ex-A/20 of 2019 Inre O.A. No. 453 of 2017

Ex Sep Bhag Bahadur Tamang
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Lalit Kumar and Dr. Ashish Asthana, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p style="text-align: center;">Order in Chamber.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Ex-A/100 of 2019 Inre O.A. No. 144 of 2016

Sgt Rajendra Prasad Pal (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none appeared on behalf of the applicant to represent his cause.</p> <p>Dr. Shailendra Sharma Atal, appeared on behalf of the respondents and submitted that in compliance of the order Rs 5,38,558/- has been credited in applicant's acct vide cheque No. 036445 dated 24.02.2021. However, no affidavit of compliance has been filed.</p> <p>Respondents are, therefore, directed to file affidavit of compliance within two weeks.</p> <p>List on 19.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Ex-A/123 of 2019 Inre O.A. No. 171 of 2019

Ex Nk Shit Basant Yadav

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none appeared on behalf of the applicant to represent his cause. Shri GS Sikarwar, learned counsel for the respondents is present. List on 22.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Ex-A/5 of 2020 Inre O.A. No. 118 of 2017

Smt Rajwati Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Angrej Nath Shukla, learned counsel for the applicant is present.</p> <p>Shri Rajiv Tiwari, Accounts Officer, PCDA (P), Allahabad is also present and he submits that in compliance of the order, corrigendum PPO has been issued on 02.02.2021 indicating therein dues to be paid, to which submission of learned counsel for the applicant is that applicant has not received any such PPO.</p> <p>Let copy of corrigendum PPO be sent to applicant's counsel within four weeks.</p> <p>List on 26.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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Ex-A/1 of 2021 Inre O.A. No. 403 of 2018

Ex Sub Chandreshwar Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present. List on 26.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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M.A. No. 1515 of 2018 with M.A. No. 1516 of 2018
R.A. No. 46 of 2018 alongwith Ex-A/133 of 2017
Inre T.A. No. 451 of 2010

Union of India & Others
By Legal Practitioner for the Applicant-Respondents
Versus

Applicant-Respondents

Ex Lance Dafedar Anil Kumar
By Legal Practitioner for Respondent-Petitioner

Respondent-Petitioner

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present. List on 09.04.2021 for final hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A. No. 853 of 2019 Inre O.A. (Nil) of 2019

Ex Rect Nikhil Singh Tomar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant to represent his cause.</p> <p>Dr. Shailendra Sharma Atal, learned counsel for the respondents is present.</p> <p>List on 24.03.2021 for hearing on delay condonation application as well as on maintainability.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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ORDER SHEET
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M.A. No. 43 of 2021 with M.A. No. 86 of 2021
Inre Ex-A/202 of 2018 Inre O.A. No. 314 of 2018

Krishna Bihari Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col RA Pandey (Retd), learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents alongwith Shri Rajiv Tiwari, Accts Offr, PCDA (P), Allahabad are present.</p> <p><u>M.A. No. 43 of 2021</u></p> <p>This is an application for condonation of delay in filing recall application which is delayed by 15 days only.</p> <p>The grounds shown in the affidavit filed in support of the application seems sufficient. Accordingly, application is allowed and the delay in filing recall application is condoned.</p> <p><u>M.A. No. 86 of 2021</u></p> <p>This is an application for recall of order dated 14.12.2020 passed in Ex. A. No. 202 of 2018 Inre O.A. No. 314 of 2018 by which the execution application was disposed off.</p> <p>The grounds shown in the recall application seem to be sufficient. Accordingly, the application is allowed and the order dated 14.12.2020 passed by this Tribunal is hereby recalled.</p> <p>Let the execution application be restored to its number.</p> <p><u>Ex-A/202 of 2018 Inre O.A. No. 314 of 2018</u></p> <p>List on 08.04.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A. No. 83 of 2021 Inre O.A. (Nil) of 2021

Smt Laxmi Kandari W/O
Hav Sohan Singh (Missing)

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
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Jaiswal, learned counsel for the respondents is present. He seeks and is allowed a week time to file objection on delay condonation application.</p> <p>List on 15.03.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 378 of 2019

Smt Dewanti Devi & Another
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Prabhat Kumar Tripathi, learned counsel for the applicant and Shri JN Mishra, learned counsel for the respondents are present.</p> <p style="text-align: justify;">Counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: justify;">Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within four weeks next thereafter.</p> <p style="text-align: justify;">List on 17.05.2021.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 471 of 2019

Nk (TS) Pradeep Kumar Sharma
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
<p>01.03.2021 <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Praveen Kumar, Advocate on behalf of the applicant is taken on record. His name shall be shown in the cause list.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Praveen Kumar, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the applicant, list on 18.05.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>	

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

O.A. No. 515 of 2019

Rect Vishal Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Om Prakash Kushwaha and Shri Shiv Kumar Saroj, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 18.05.2021 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall file original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 84 of 2020 with M.A. No. 900 of 2019

Ex Hav Bachan Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri KK Misra, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present.</p> <p>Judgment.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 97 of 2020 with M.A. No. 811 of 2019

Ex Hav (Hony Nb Sub) Bhagwan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf the applicant to represent his cause.</p> <p>Shri Rajiv Pandey, learned counsel for the respondents alongwith Shri Rajiv Tiwari, Accounts Officer, PCDA (P), Allahabad are present.</p> <p>List on 02.03.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 304 of 2020

Ex Hav (Hony Nb Sub) Bikramaditya Choubey

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
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present.</p> <p>Shri Parijaat Belaura, learned 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 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Shri Ashish Kumar Singh, learned counsel for the respondents has no objection.</p> <p>With the consent of learned 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.</p> <p>Let a copy of this order be provided to the learned counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 433 of 2020

Smt Arati Dwivedi By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Prabhat Kumar Tripathi and Astha Singh Chauhan, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within four weeks.</p> <p>List on 17.05.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 435 of 2020

Ex Sub Ombir 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
	<p>01.03.2021 <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri DK Pandey, learned counsel for the respondents is present and he submits that counter affidavit has already been filed on 12.02.2021.</p> <p>Affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within four weeks.</p> <p>List on 21.05.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 52 of 2017

Lt Dhrendra Tiwari (Retd)

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Kaushik Chatterjee, learned counsel for the respondents alongwith Cdr Madhav Damera and Lt Cdr Tejinder Singh, departmental representative, are present.</p> <p style="text-align: center;">List on 09.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 438 of 2020

Ex Sub/Clk Kamlesh Rai By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Order pronounced today in the open Court.</p> <p style="text-align: center;">O.A. No. 438 of 2020, Ex Sub/Clk Kamlesh Rai vs. Union of India and Others is dismissed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <table style="width: 100%; border: none;"><tr><td style="text-align: center; vertical-align: bottom;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; vertical-align: bottom;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 5px;">SB</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 551 of 2018

Vijay Singh Kurmi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Supplementary counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

EX.A. No. 76 of 2019 Inre O.A. (A) No. 311 of 2017

Smt Alka Mishra W/o Ex Nk Vimal Kumar Mishra By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-indent: 40px;">On the case being taken up for hearing applicant Smt Alka Mishra is present in person. She also filed Vakalatnama of Shri Vinay Pandey on her behalf which is taken on record.</p> <p style="text-indent: 40px;">Shri G.S. Sikarwar, Ld. Counsel for the respondents is also present and he submits that since Special Leave Petition (SLP) filed by the respondents against order under execution has been dismissed by the Hon'ble Apex Court, reasonable time be given to respondents to make compliance of the order.</p> <p style="text-indent: 40px;">Let order be complied with and affidavit of compliance be filed within three weeks from today.</p> <p style="text-indent: 40px;">List this case on 07.04.2021 for orders.</p> <p style="text-align: center; margin-top: 20px;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left; margin-left: 10px;">SB</p>

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

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)**

O.A. No. 202 of 2012

Vijay Kant Shukla
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Shri Asheesh Agnihotri, Ld. Counsel for the respondents is present.</p> <p>List this case on 03.05.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 274 of 2017

Sahamatul Nisha

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the parties.</p> <p>List this case on 09.04.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

O.A. No. 588 of 2017

Bhim Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Shri Amit Jaiswal, Ld. Counsel for the respondents is present.</p> <p>Since larger bench has been formed at AFT, Principal Bench, New Delhi for disposal of similar issues, therefore, the case is adjourned sine die.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 653 of 2017

Rajesh Kumar Singh
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;"> On the case being taken up for hearing none is present on behalf of the applicant. Mrs. Anju Singh, Ld. Counsel for the respondents is present. Heard learned 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. </p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>SB</p>

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

O.A. No. 3 of 2018

Vijay Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present on behalf of the applicant.</p> <p style="text-align: center;">Shri Sunil Sharma, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">List this case on 04.05.2021 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 111 of 2018

Dharambir Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p style="text-align:justify">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.</p> <p style="text-align:justify">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.</p> <p style="text-align:justify">Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 142 of 2018

Jawahar Upadhyay
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present on behalf of the applicant.</p> <p style="text-align: center;">Shri R.K.S. Chauhan, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Since larger bench has been formed at AFT, Principal Bench, New Delhi for disposal of similar issues, therefore, the case is adjourned sine die.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>SB</p>

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

O.A. No. 158 of 2019

Ex Hav Jagdish Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present on behalf of the applicant.</p> <p style="text-align: center;">Shri G.S. Sikarwar, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Heard learned counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 387 of 2019

Ex Hav (DS) Ram Prakash Shukla
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Shri Anurag Mishra, Ld. Counsel for the respondents is present.</p> <p>Heard learned counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 572 of 2019

Ex Sep (MACP) Godhan Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Shri Ashish Kumar Singh, Ld. Counsel for the respondents is present.</p> <p>Heard learned counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align:right">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align:right">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 146 of 2020

Smt Suman Lata, M/o Late Ex Rect Babal Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Shri Shyam Singh, Ld. Counsel for the respondents is present.</p> <p>List this case on 18.03.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 261 of 2020

Ram Nath Mishra By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify;">On the case being taken up for hearing none is present on behalf of the applicant.</p> <p style="text-align:justify;">Shri Amit Jaiswal, Ld. Counsel for the respondents is present.</p> <p style="text-align:justify;">List this case on 06.05.2021 for hearing.</p> <p style="text-align:justify;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="display:flex; justify-content:space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 352 of 2020

Smt Swari Devi W/o Ex Lnk Dalip Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present on behalf of the applicant. Shri Amit Jaiswal, Ld. Counsel for the respondents is present. List this case on 07.05.2021 for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 402 of 2020

Hony Capt Satya Narain Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present on behalf of the applicant.</p> <p style="text-align: center;">Shri R.C. Shukla, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Heard learned counsel for the respondents.</p> <p style="text-align: center;">Original Application is dismissed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. (A) No. 239 of 2016

Shashi Mohan Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present on behalf of the applicant.</p> <p style="text-align: center;">Shri R.K.S. Chauhan, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">List this case on 10.05.2021 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

T.A. No. 80 of 2016

Anoop Kumar
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none is present on behalf of the petitioner.</p> <p style="text-align: center;">Shri D.K. Pandey, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">List this case on 12.05.2021 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

T.A. No. 11 of 2018

Shatrughan Kumar Pande
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">On the case being taken up for hearing none is present on behalf of the petitioner.</p> <p style="text-align:justify">Shri Amit Jaiswal, Ld. Counsel for the respondents is present.</p> <p style="text-align:justify">Supplementary counter affidavit filed by the respondents is taken on record.</p> <p style="text-align:justify">List this case on 13.05.2021 for hearing.</p> <p style="text-align:justify">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

T.A. No. 1300 of 2010

Arun Kumar
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the petitioner.</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>List this case on 08.04.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

O.A. No. 86 of 2017

Awadhesh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing none is present on behalf of the applicant.</p> <p>Shri G.S. Sikarwar, Ld. Counsel for the respondents is present.</p> <p>List this case on 18.05.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

EX.A. No. 20 of 2019 Inre O.A. No. 453 of 2017

Ex Sep Bhag Bahadur Tamang
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Lalit Kumar, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>This Execution Application was filed by the applicant on 06.02.2019 for execution of order dated 06.12.2017 passed in O.A. No. 453 of 2017 by which respondents were directed to grant disability pension to the applicant @ 50% from the date of discharge from service and the order was to be complied with within a period of six months from the date of receipt of copy of the order.</p> <p>Since the date of filing of this Execution Application, two years have elapsed but the respondents have not yet complied with the order.</p> <p>On 28.05.2019, the respondents prayed for a reasonable time which was allowed for filing compliance report failing which they were imposed cost of Rs. 10,000/- which was to be deposited by the respondents in the Registry and to be paid to the applicant.</p> <p>On 09.12.2020, learned counsel for the respondents sought further time and four weeks' time, as a last chance, was granted to comply with the order, failing which matter was to be reported to the Chief of the Army Staff.</p> <p>Again on 20.01.2021, the order under execution was not complied with, therefore, the following order was passed :-</p> <p style="text-align: center;"><i>“On the last date respondents were directed to make compliance of the order within a period of four weeks with condition that in case of non compliance, the matter would be reported to Chief of the Army Staff. Despite the same the order has not been complied with rather again a prayer is made for the adjournment on the ground that matter is in the process of compliance at Army Headquarters.</i></p> <p style="text-align: center;"><i>In view of the above, four weeks further time is granted, as prayed on payment of Rs. 25,000/- as cost which shall be paid to the applicant.</i></p> <p style="text-align: center;"><i>List on 24.02.2021 for orders.”</i></p>

On 24.02.2021, lawyers were abstaining themselves from judicial work, hence the case was adjourned and fixed for 01.03.2021.

Today, again it is informed by learned counsel for the respondents that matter is still pending in Army Headquarters which may take some more time to comply with the order.

During the course of hearing, learned counsel for the applicant vehemently opposed the submission of learned counsel for the respondents and prayed that there is an inordinate delay in execution of order and more than two years have already elapsed in assurance only, hence this matter be reported to the Chief of the Army Staff forthwith.

In view of above, four weeks further time, as a last opportunity, is granted to the respondents to comply with the order on payment of Rs. 30,000/- as cost which shall be paid to the applicant.

Let a copy of the order be sent to the Chief of the Army Staff for information, and taking necessary action against erring officials.

List on **27.04.2021** for orders.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

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

O.A. No. 144 of 2021

Lt Col Prasun Kanti Goswami
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>1. Heard Shri Praveen Kumar, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>2. By means of this application filed under Section 14 of the Armed Forces Tribunal Act, 2007 (In short the "Act") applicant has prayed for setting aside the order dated 18 February, 2021, issued by Brigadier (DV & HR) for GOC-in-C by which applicant has been attached with Headquarters 42 Infantry Brigade/14 RAPID under the provisions of AI 30/86 with immediate effect till finalisation of the disciplinary proceedings pending against him. It has been also prayed that disciplinary proceedings pending against applicant be stayed till the outcome of proceedings in the matter pending in the court of Chief Judicial Magistrate, Dehradun.</p> <p>3. Learned counsel for the applicant submitted that charges on which applicant is facing disciplinary proceedings are the same in which a first information report was lodged against the applicant which was registered as Case Crime No. 48 of 2020, under Sections 376, 328, 506 IPC at Police Station Cantt, Deharadun. In the said F.I.R., after investigation, a closure report has been filed in the court of Chief Judicial Magistrate, Dehradun as charges were not found true. He further submitted that in the said closure report notice has been issued to the complainant and proceedings are to be finalised which may take some time. He submitted that since disciplinary proceedings initiated against the applicant are based on the same charges which are to be finalised in the case pending in the court of C.J.M. Dehradun, therefore, disciplinary proceedings pending before the army authorities should be stopped/stayed till the outcome of criminal proceedings pending in the court of C.J.M., Dehradun to secure the ends of justice.</p> <p>4. In reply, learned counsel for the respondents submitted that matter in challenge in the instant original application is an attachment order which being</p>

nothing but change of place as envisaged in exception (ii) to Section 3(o) of the Act is not cognizable by the Tribunal and, therefore, O.A. deserves to be dismissed being not maintainable. He also submitted that applicant had filed a similar application earlier also on 25.02.2021, in which question of maintainability was raised and realising it applicant had got the application dismissed as withdrawn. He submitted that once application being dismissed being not maintainable in view of exception (ii) to Section 3 (o) of the Act, subsequent application for the same relief on the same cause of action is liable to be dismissed with exemplary cost besides earlier reason being misuse of process of the Court.

5. Learned counsel for the respondents also submitted that no criminal case is pending against applicant in the court of C.J.M., Dehradun as of now as no cognizance has been taken against the applicant in the matter of alleged sexual assault. He submitted that departmental proceedings against the applicant are independent proceedings and can continue despite a closure report having filed in court in respect of first information report lodged against the applicant.

6. The undisputed facts in the case are that while posted as Instructor in IMA, Dehradun a female employee of the said academy had filed an F.I.R. at P.S. Cantt, Dehradun in respect of being sexually assaulted by the applicant. The applicant had filed a Criminal Writ Petition in the Hon'ble Uttarakhand High Court at Nainital for quashing of the F.I.R. which was disposed of with direction to police to not arrest the applicant till submission of report under Section 173 (2) of the Criminal Procedure of Code. In the said F.I.R. the police has submitted a closure report in the court of Chief Judicial Magistrate, Dehradun in which notice has been issued to the complainant.

7. In allegations against the applicant a Court of Inquiry was also conducted and based on its report summary of evidence process has been initiated and a GCM is proposed to be convened for which applicant has been attached with HQ 42 Infantry Brigade/14 RAPID to participate in the proceedings. It is against this order earlier an application being O.A. 142 of 2021 was filed and on question of maintainability being raised in view of exception (ii) to Section 3 (o) of the AFT Act, the O.A. was dismissed as withdrawn. Thereafter, the present O.A. has been filed in which the matter in issue is the same which was in the earlier O.A. The only difference in the present O.A. is that disciplinary proceedings commenced against the applicant have also been sought to be stopped/stayed till the outcome of closure report pending in the court of C.J.M., Dehradun.

8. Section 14 (1) of the Act deals with jurisdiction of the Tribunal and it reads as under :-

14 (1) : *Save as otherwise expressly provided in this Act, the Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority, exercisable immediately before that day by all courts (except the Supreme Court or a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) in relation to all service matters.*

9. The word “Service matters” in relation to the persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950 has been defined in Section 3 (o) of the Act and it reads as below :-

(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include—

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) any other matter, whatsoever,

but shall not include matters relating to—

(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and

(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950);

(iii) leave of any kind;

(iv) summary court martial except where the punishment is of dismissal or imprisonment for more than three months;

10. On combined reading of Section 14 (1) and Section 3 (o) of the Act it is clear that a Tribunal constituted under the Act has jurisdiction in respect of all service matters in relation to subjects of the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950, but it does not include transfers and postings including the change of place or unit wherever individually or as a part of unit.

11. On bare reading of O.A. it appears that it has been filed for the same relief based on the same facts for which the earlier O.A. (O.A. No. 142 of 2021) was filed and later dismissed as withdrawn. The main relief claimed in both O.As. being against the attachment order issued by the GOC-in-C, which in fact has been passed to facilitate convening the court to look into charges

against the applicant, clearly falls in exception (ii) to Section 3 (o) of the Act being change of place in order to enable applicant to participate in the proceedings proposed to be carried out. Thus, this being not covered in “service matters” the same is not cognisable by the Tribunal.

12. Learned counsel for the applicant has also argued that even if O.A. is assumed to be not maintainable in respect of relief against the order of attachment, it cannot be said so in respect of other relief claimed in the O.A. that is to stop disciplinary proceedings which is running parallel to the criminal case proceedings pending in the court of C.J.M., Dehradun.

13. We do not find any force in the above submissions as proceedings pending in the court of C.J.M., Dehradun are in relation to a closure report submitted in the matter of F.I.R. lodged against the applicant in which no cognizance has been taken against the applicant. Therefore, these proceedings are not akin to criminal proceedings pending against the applicant. Further, disciplinary proceedings proposed to be initiated against the applicant are independent proceedings and therefore cannot be stopped on the premise that a closure report in respect of the same charges has been filed and is pending in a criminal court.

14. In view of aforesaid, we find that, present O.A. being not maintainable in view of exception (ii) to Section 3 (o) of the Act and also otherwise deserves to be dismissed. Accordingly, the Original Application is **dismissed**.

15. No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB