

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

M.A. No. 503 of 2021 Inre ; O.A. No. 233 of 2020

Ex. Nb. Sub. (Hony. Sub.) Ram Murali 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>01.09.2021</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;">Memo of Appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Mohd. Zafar Khan, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 503 of 2021</u></p> <p style="text-align: justify;">This is a modification application filed by the applicant for modification of order dated 16.03.2021 passed by this Tribunal in Original Application No.233 of 2020.</p> <p style="text-align: justify;">Briefly stated, applicant was enrolled in the Indian Army on 24.12.1978 and was discharged on 01.01.2005 in Low Medical Category on fulfilling the conditions of his enrolment under Rule 13 (3) Item III (ii)(a)(i) of the Army Rules, 1954. At the time of discharge from service, the Release Medical Board (RMB) held at Military Hospital, Dehradun assessed his disability 'MODERATE DEPRESSIVE EPISODE' @30% for five years and opined the disability to be neither attributable to nor aggravated (NANA) by service. The applicant's claim for grant of disability pension was rejected vide letter dated 07.05.2005. His appeals for grant of disability pension were also rejected vide letter dated 14.05.2008 and 25.09.2013. Hence, the Original Application was filed by the applicant.</p> <p style="text-align: justify;">The aforesaid Original Application No. 233 of 2020 was allowed on 16.03.2021 and the impugned orders rejecting the claim for grant of disability pension passed by the respondents were set aside. The disability of the applicant was held considered as aggravated by military service and the respondents were directed to grant disability element to the applicant from the date of discharge @30% for five years which was rounded off to 50% for five years. The respondents were further directed to conduct a Re-Survey Medical Board for the applicant to assess his further entitlement of disability element. Respondents were further directed to give effect to the order within four months</p>

from the date of receipt of a certified copy of order.

Now the submission of Ld. Counsel for the applicant is that in para 7 of the Counter Affidavit the respondents have averred that aggrieved with the decision of PCDA (P), Allahabad the applicant filed an Appeal dated 20.06.2005 against the rejection of the disability pension for holding of fresh Appeal Medical Board. Further, as per paragraph No. 8 of the Counter Affidavit Government of India had accorded the sanction for holding the Appeal Medical Board at Base Hospital, Delhi vide their letter dated 16.01.2007. Accordingly, Appeal Medical Board of the applicant was held at Base Hospital, Delhi Cantt. on 15.04.2008, approved by the competent authority on 21.04.2008, assessed applicant's disability '**MODERATE DEPRESSIVE EPISODE**' @30% for life and opined to be neither attributable to nor aggravated and not connected with military service. Inadvertently Ld. Counsel for the applicant could not mention this fact at the time of final hearing and prayed that order dated 16.03.2021 be modified to the effect that applicant may be granted disability pension @30% rounded off to 50% for life from the date of holding Appeal Medical Board i.e. 15.04.2008 but due to law of limitation settled by the Hon'ble Apex Court in the case of ***Shiv Dass Vs. Union of India and Others, reported in 2007 (3) SLR 445*** the arrears of disability element will be restricted to three years preceding the date of filing of the Original Application.

Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case and that Appeal Medical Board has already been held at Base Hospital, Delhi Cantt. on 15.04.2008 assessed applicant's disability "**MODERATE DEPRESSIVE EPISODE F-32-1**" @30% for life and that we have already held the disability of the applicant as aggravated by military service, we are of the opinion that the order dated 16.03.2021 needs to be modified to the following effects which shall be a part of said order :-

"In view of above, the Original Application No. 233 of 2020 deserves to be allowed, hence allowed. The impugned orders rejecting the claim for grant of disability pension passed by the respondents are set aside. The disability of the applicant is held as aggravated by military service. The applicant is entitled to get disability element @30% for life which would be rounded off to 50% for life from the date of his discharge. However, considering the law of limitation settled by Hon'ble Supreme Court in the case of Shiv Dass Vs. Union of India and others, reported in 2007 (3) SLR 445 the arrears of disability element would be restricted to three years preceding the date of filing of the Original Application. Accordingly, Respondents are directed to grant disability element to the applicant @30% for life which would be rounded @50% for life from three years preceding the date of filing of the Original Application. The date of filing of Original

Application is 18.03.2020. Respondents are directed to give effect to the order within four months from the date of receipt of a certified copy of this order failing which the respondents shall have to pay interest @8% per annum till the date of actual payment.

**(Vice Admiral Abhay Raghunath Karve)
Member (A)**

**(Justice Umesh Chandra Srivastava)
Member (J)**

AKD/-

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

Ex. A. No. 45 of 2021 Inre : O.A. No. 46 of 2021

Ex. Gnr. (DS) Sukhdeep 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>01.09.2021</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;">Memo of Appearance filed by Ms. Kavita Belaura, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Ashok Singh, Ld. Counsel for the applicant and Ms. Kavita Belaura, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is a fresh Execution Application.</p> <p style="text-align: center;">Ld. Counsel for the respondents to seek instructions in the matter within two weeks.</p> <p style="text-align: center;">List on 25.10.2021.</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>AKD/-</p>

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

M.A. No. 508 of 2021 Inre : O.A. No. 357 of 2020

Union of India & Others By Legal Practitioner for the Applicants	Applicants
Versus	
Ex. Sub/AEC Hirdai Narain Kushwaha By Legal Practitioner for Respondent	Respondent

Notes of the Registry	Orders of the Tribunal		
	<p><u>01.09.2021</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 Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India & Others.</p> <p><u>M.A. No. 508 of 2021</u></p> <p style="text-align: center;">For the reasons stated in affidavit filed in support of modification application, modification application is allowed.</p> <p style="text-align: center;">In the order dated 17.03.2021 in para 7, in 5th line, the date "01.01.2006" be corrected as "from the date of discharge i.e. 31.05.2012".</p> <table style="width: 100%; border: none;"><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 style="text-align: left;">AKD/-</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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Court No.1 (E. Court)

Ex. A. No. 12 of 2018 Inre : O.A. No. 149 of 2013

Smt. Munni Devi 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>01.09.2021</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 Ashok Kumar, Ld. Counsel for the applicant and Shri D.K. Pandey , Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents three days further time is granted to file affidavit of compliance.</p> <p>List on 17.09.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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ORDER SHEET
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Court No.1 (E. Court)

Ex. A. No. 30 of 2018 Inre : O.A. No. 119 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>01.09.2021</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 Angrej Nath Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">In response to order passed by us on 26.07.2021, copy of letter dated 07.08.2021 issued by Mukhyalaya, Bengal Engineer Group Aur Kendra Headquarters, Bengal Engineer Group and Centre, Roorkee has been showed to us wherein it has specifically been stated that name of Smt. Rajwati Yadav wife of Late Shri Dinesh Kumar Yadav was included in the list of compassionate appointment in terms of order dated 24.04.2011 passed in Original Application No. 119 of 2017, however, the Board was not finalised due to non-availability of vacancies and further ban on the direct recruitment as per AG's Branch, New Delhi letter dated 07.11.2017. It has been further stated in the letter that case of the applicant for compassionate appointment will be considered on the merit of the case with other applicants of deceased persons (Army/Civilian employees) by a Board of Officers, as and when the direct recruitment is done. It has also been stated that Board of Officers for compassionate appointment will be held as per policy in vogue.</p> <p style="text-align: center;">In view of the aforesaid, we are of the view that order under execution is in process and nothing needs to be done in the matter at present. Execution Application stands disposed off accordingly and it is provided that if applicant feels aggrieved by any act or omission of the respondents in regard to order applicant may file application afresh.</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>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 52 of 2018 Inre : O.A. No. 189 of 2010

Shiv Kumar Joshi
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>01.09.2021</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 Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: center;">During the course of hearing Major Tarun, Departmental Representative submitted that most parts of the order dated 26.09.2017 passed in Original Application have been complied with and details in that regard have also been furnished to respondents' Ld. Counsel Shri Kaushik Chatterjee on 03.04.2021. He further submitted that remaining parts of the order are also at final stage of implementation.</p> <p style="text-align: center;">Despite most parts of the order being complied with by the respondents, as stated by Departmental Representative, the same has not been brought to the notice of this Tribunal which is a matter of surprise. However, considering that most parts of the order have been complied with and remaining parts are also at the final stage of implementation, as said, we grant two weeks further time to respondents to make complete compliance of the order and to file affidavit of compliance. It is clarified that if the order is not complied with within the given time, the Officer concerned may be asked to be physically present before the Tribunal to apprise why the order has not been complied with.</p> <p style="text-align: center;">List on 23.09.2021.</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>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 137 of 2018 Inre : T.A. No. 170 of 2011

Lekh Raj 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>01.09.2021</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 Yshpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Despite amendment being incorporated in Original Application the office has wrongly noted that amendment has not been incorporated nor it issued notices to the newly impleaded respondents.</p> <p>Let notices be issued to the newly made respondents returnable within four weeks.</p> <p>Regarding execution of the order, the submission of the Ld. Counsel for the respondents is that in compliance of the order passed by this Tribunal in Original Application, applicant has been notionally reinstated and discharged from service. He further submits that only interest part of the order is to be complied with and prays for and is granted four weeks time to make complete compliance of the order.</p> <p style="text-align: center;">List on 13.10.2021.</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>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 138 of 2018 Inre : O.A. No. 243 of 2015

Babu Ram
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>01.09.2021</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 K.K. Misra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">During the course of hearing Ld. Counsel for the respondents submitted that order passed by this Tribunal in Original Application has already been complied with by the respondents vide P.P.O. dated 13.09.2017. He further submitted that order already being complied with the Execution Application is being unnecessarily prosecuted against the respondents which may be dismissed.</p> <p style="text-align: center;">We have gone through the copy of P.P.O. filed along with affidavit of compliance and find that order under execution had already been complied before the Execution Application was filed and the respondents are being unnecessarily prosecuted since 2018 for the compliance of order.</p> <p style="text-align: center;">The order being complied with, the Execution Application deserves to be dismissed and is accordingly dismissed.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 192 of 2018 Inre : T.A. No. 388 of 2010

Brijesh 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>01.09.2021</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 Ashok Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>Major Tejas, Departmental Representative is also present from the side of respondents and he submits that documents such as Bank Account details, photocopy of first page of Pass Book/cancelled cheque/NEFT Form, photocopy of Aadhar and PAN (self and wife) duly self attested, Mobile number and e. Mail address, three copies of descriptive roll (format enclosed) duly completed and photo attested by concerned Zila Sainik Board and letter of undertaking by the pensioner (format enclosed) duly completed by pensioner and witnesses being demanded vide Records letter dated 10.08.2021 being not yet furnished by the applicant, the matter for pension claim could not be processed. He further submits that once requisite documents are received the same will be immediately processed and the order would be complied with.</p> <p>In regard to above, the submission of Ld. Counsel for the applicant is that applicant has not received the copy of the letter.</p> <p>Let copy of above mentioned letter be supplied to the Ld. Counsel for the applicant by today itself who shall submit the requisite documents to the concerned Records Office with a set of copies of documents to the Ld. Counsel for the respondents within two weeks. The respondents on receipt of the requisite documents shall process the same for pension claim. The respondents shall file affidavit of compliance as soon as possible preferably within four weeks.</p> <p style="text-align: center;">List on 09.11.2021.</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>AKD/-</p>

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

Ex. A. No. 18 of 2019 Inre : T.A. No. 79 of 2016

Smt. Kanti Devi
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>01.09.2021</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 Yashpal Singh, Ld. Counsel for the applicant, Shri Anurag Mishra, 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.</p> <p>A Supplementary Counter Affidavit filed by the respondent Nos. 5 and 6 in regard to steps taken by them in compliance of the order is taken on record. In Supplementary Counter Affidavit respondent Nos. 5 and 6 have stated that they are in receipt of soft copies of certain documents and as soon as their hard copies as well as applicant's PAN number are received, they shall ensure that is needful done at the earliest.</p> <p>During the course of hearing Ld. Counsel appearing on behalf of respondent Nos. 5 and 6 submitted that some amount has been credited in the applicant's account.</p> <p>Considering the facts averred in affidavit, respondent Nos. 5 and 6 are directed to ensure compliance of the order within four weeks from today and to file Supplementary Affidavit of compliance.</p> <p style="text-align: center;">List on 12.10.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 81 of 2019 Inre : O.A. No. 236 of 2018

Ex. Hav. (Hony. Nb. Sub.) Phool Chand
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>01.09.2021</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 Yashpal Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondent No. 1 to 3 are present.</p> <p>Notice to respondent No. 4 could not be issued due to steps being not be taken by the applicant.</p> <p>It is requested by the Ld. Counsel for the applicant to grant two weeks time to take steps which is allowed.</p> <p>On steps being taken up, issue notice to respondent No. 4 returnable within four weeks.</p> <p>List on 09.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 458 of 2021

Hav Gar Singh Bhadoriya
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>01.09.2021</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 U.K.S Chauhan, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Heard learned counsel for the parties.</p> <p>Learned counsel for the respondents has raised a preliminary objection regarding territorial jurisdiction of this Tribunal saying that applicant is or was not posted in territorial jurisdiction of this Tribunal, hence this Tribunal has no jurisdiction to try the Original Application.</p> <p>His submission is that in view of Rule 6 (1) of the Armed Forces Tribunal (Procedure) Rules, 2008, an application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction the applicant is posted for the time being, or was last posted or attached, or where the cause of action, wholly or in part has arisen. His further submission is that Rule (2) says that notwithstanding anything contained in sub-rule (1), a person who has ceased to be in service by reason of his retirement, dismissal, discharge, cashiering, release, removal, resignation or termination of service may, at his option, file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application.</p> <p>Learned counsel for the applicant vehemently submits that this O.A. has been filed within the territorial jurisdiction of this Tribunal as the Records office which passed impugned order giving rise to cause of action is located in Territorial Jurisdiction of this Tribunal.</p> <p>It is not disputed that the order in challenge in the Original Application has been passed by the Senior Record Officer for OIC Records, Rajput Regiment, Abhilekh Karyalay, Fatehgarh (UP). The Records Office which passed the order being situated in territorial jurisdiction of this Tribunal, this Tribunal has jurisdiction to try the case as cause of action has arisen in its jurisdiction as provided under Rule 6 (1) of the Armed Forces Tribunal (Procedure) Rules, 2009.</p>

Preliminary objection raised by the learned counsel for respondents is not tenable and is therefore, rejected and Original Application is admitted for hearing.

Respondents are directed to file Counter Affidavit within four weeks.

Thereafter, applicant may file Rejoinder Affidavit, if any, within two weeks.

List before Registrar Court on **28.10.2021** for exchange of pleadings and thereafter, before the Bench on **24.11.2021** for hearing.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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

Ex-A/106 of 2019 Inre O.A. No. 275 of 2017

Smt Seeta Devi (W/O Ex Cfn
(late) Ram Bahadur 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>01.09.2021</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 Shailendra Kumar Singh, learned counsel for the applicant and Shri Sunil Sharma, Shri Sharad Kumar Shukla and Shri Vinay Pandey, learned counsel for the respondents are present.</p> <p>List on 06.09.2021.</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
Court No.1 (E. Court)

Ex-A/124 of 2019 Inre O.A. No. 250 of 2018

Ex Hav/DMT Devender 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>01.09.2021</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 Pradkash Kushwaha, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that four weeks further time be granted to respondents to file affidavit of compliance regarding interest part of the order, which is allowed.</p> <p>List on 11.10.2021.</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)

Ex-A/26 of 2021 Inre O.A. No. 732 of 2020

Col SK Dhawan

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>01.09.2021</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 Pankaj Kumar Shukla, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present.</p> <p>On the request of learned counsel for the respondents, four weeks further time is granted for implementation of order and to file affidavit of compliance.</p> <p>List on 20.10.2021.</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)

O.A. No. 226 of 2021

Ex Rect Ramu 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>01.09.2021</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 Dr. Sanjay Kumar Singh and Shri Rajesh Kumar Singh, learned counsel for the applicant and Ms Deepti P Bajpai, learned counsel for the respondents are present.</p> <p>Ms Deepti P Bajpai, learned counsel for the respondents again requests two weeks further time to file supplementary counter affidavit in regard to amended pleadings, which is allowed and it is directed that in case supplementary counter affidavit is not filed in the given time, the opportunity of filing the same shall stand closed.</p> <p>On supplementary counter affidavit being filed, applicant will have two weeks time to file rejoinder affidavit, if any, within two weeks.</p> <p>List on 12.10.2021.</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)

RA No 7 of 2021 Inre O.A. No. 1 of 2021

Nk Ali Anwarali Manwarali

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>01.09.2021</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 Virat Anand Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents are present.</p> <p>List on 14.09.2021.</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
Court No.1 (E. Court)

O.A. No. 219 of 2014

Chandrabhan Singh & 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>01.09.2021</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 appears on behalf of the applicant to press this case nor is there any mention to pass over the case.</p> <p>Shri Namit Sharma and Shri R Chandra, learned counsel for the respondents are present.</p> <p>O.A. is dismissed in default.</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
Court No.1 (E. Court)

O.A. No. 319 of 2015

Sanjay 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>01.09.2021</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 Virat Anand Singh, learned counsel for the applicant and Ms. Deepti P Bajpai, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 01.10.2021 for hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

(By Circulation)

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

R.A. No. 41 of 2021 with M.A. No. 431 of 2021 Inre : O.A. No. 501 of 2019

Smt. Shakuntala W/o Ex. Gnr. Mejaji
By Legal Practitioner for the Applicants

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.09.2021</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>The file has been placed before us by Circulation.</p> <p>As per office note there is no delay in filing Review Application, hence delay condonation application is dismissed being not required.</p> <p>The applicant has filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicants has prayed for review of the order dated 05.04.2021 passed by this Tribunal passed in Original Application No. 501 of 2019 <i>inter alia</i> on the ground that there are error apparent on the face of record in the order showing applicant's husband as recruit whereas the applicant's husband was not a recruit rather he was attested on 28.11.1963.</p> <p>We have gone through the order dated 05.04.2021 as well as the documents available on record. We find that on the second page of Discharge Book the Rank of the applicant's husband has been shown as "Ex RECT" whereas on the same page it has also been shown that applicant's husband was attested on 28.11.1963. But either by mentioning of "Ex Recruit" or "Ex Gnr" there will be no effect on the order dated 05.04.2021 passed by this Tribunal.</p> <p>Further, it is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-</p> <p><i>"1. Application for review of judgment.- (1) any person considering himself aggrieved-</i> <i>(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,</i> <i>(b) by a decree or order from which no appeal is allowed, or</i></p>

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record , or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."

In view of the principles of law laid down by the Hon'ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon'ble Supreme Court in Para 9 of its judgment in the case of ***Parsion Devi and others vs. Sumitri Devi and others***, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

"9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self- evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

We have gone through the order sought to be reviewed and no illegality or irregularity or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

In the result, Review Application is **rejected**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

GSR/-