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

O.A. No. 346 of 2019

Prem Sagar Tiwari Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present. The applicant has filed Rejoinder Affidavit. In the interest of justice, delay in filing Rejoinder Affidavit is **condoned** and the Rejoinder Affidavit is taken on record. List on **01.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 128 of 2020

Ex. Sub. Maj. (RT) Ran Bahadur 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the applicant, the case is adjourned. List on **22.09.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 129 of 2020

Hav. Lalendra Kumar Choudhary 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Rejoinder Affidavit filed by the applicant is taken on record. Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. Judgment reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 10 of 2021

Smt. Bibhu Kalita 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Amit Verma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. In regard to grievance raised in Original Application, it is admitted to applicant that the same has been redressed except the interest part. It is submitted that applicant is also entitled to interest on delayed payment which to our mind is not tenable. Interest on delayed payment is normally made payable when arrear is not paid in the given time. In view of aforesaid, Original Application deserves to be dismissed and is therefore **dismissed.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 119 of 2021

Ex. Sub. Maj. Mahendra 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents. Original Application is **dismissed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 22 of 2020 with M.A. No. 86 of 2019

Smt. Phoolwati Devi W/o Sep. Mohan 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col. R.C. Dixit (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. As prayed, list on **02.09.2021** for hearing as first case. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 201 of 2016 Inre : T.A. No. 111 of 2012

Vineeta Kohli 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** The list has been revised. No one is present on behalf of the applicant nor is there any mention to pass over the case. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present and he submits that the letter which applicant had submitted had been sent to the District Magistrate, Lucknow for investigation and report in this regard has been received. He further submitted that as per report received present applicant Smt. Vineeta Kohli is not sole legal heir of the deceased applicant rather original applicant died leaving behind him five legal heirs. In view of the fact that all legal heirs of the deceased applicant have not been substituted and present applicant is also not present to represent the case, the Execution Application is **dismissed** in default. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ram Sajiwan Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shyam Bihari Tiwari, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. An affidavit of compliance has been filed today by the Ld. Counsel for the respondents and the same is taken on record. The copy of the said affidavit has not been supplied to the Ld. Counsel for the applicant. Let it be supplied to him by today itself. Applicant's Ld. Counsel is directed to give his WhatsApp number to the Ld. Counsel for the respondents so that copy of affidavit of compliance may be sent to him. Applicant on receipt of affidavit of compliance shall have two weeks time to file objection, if any. List on **30.09.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 75 of 2018 Inre : T.A. No. 1366 of 2010

Kamal Singh Rautela 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. In regard to grant of service element to the applicant the Ld. Counsel for the respondents submitted that matter is still in process. He further submitted that some more time be granted to file affidavit of compliance after implementing the order which is allowed. Let affidavit of compliance be filed within four weeks failing which respondents shall pay Rs.10,000/- as cost to the applicant. List on **11.10.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Nb. Sub. (Hony. Sub.) Ram Murali 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. Heard Mohd. Zafar Khan, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents. **M.A. No. 503 of 2021** 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. 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. 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

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)

O.A. No. 481 of 2021 with M.A. No. 502 of 2021

Abhishek Badoni (Army Cadet) 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. It is submitted by the Ld. Counsel for the respondents that instant Original Application filed against the order of discharge is not only barred by time but is not maintainable also. He further submits that respondents wish to file objection against delay condonation application as well as maintainability, therefore, reasonable time be given for the same. Let objection be filed within two weeks. List on **11.10.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 482 of 2021

Ex. Sub. Pawan Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Vishvesh Kumar, Advocate on behalf of the respondents is taken on record. Heard Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Vishvesh Kumar, Ld. Counsel for the respondents. It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **28.10.2021** for exchange of pleadings. List the matter before Tribunal on **24.11.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 483 of 2021 with M.A. No. 504 of 2021

Smt. Sadhwi Singh W/o Late Ex. Hav. Rajesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Prerna Singh, Advocate on behalf of the respondents is taken on record. Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents. The Original Application has been filed with delay of 10 years, 01 month and 02 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 483 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **28.10.2021** for exchange of pleadings. List the matter before Tribunal on **24.11.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 484 of 2021 with M.A. No. 505 of 2021

Smt. Poonam Singh W/o Late Ex. Sep. Ajay Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Manu Kumar Srivastava, Advocate appears on behalf of respondents and submits that he will file Memo of Appearance today during the course of the day Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents. The Original Application has been filed with delay of 05 years and 08 months. The matter pertains to grant of Special Family Pension. An application for condonation of delay supported with affidavit has been and it is stated therein that law of limitation is not applicable in pensionary matter. It is further stated that delay in filng of Original Application is not deliberate. Ld. Counsel for the respondents strongly objects the prayers. Upon hearing submissions of Ld. Counsel of both sides and considering that law of limitation is not applicable in pensionary matter and cause shown is sufficient, we **condone** the delay. Delay condonation application stands decided accordingly. **O.A. No. 484 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **28.10.2021** for exchange of pleadings. List the matter before Tribunal on **24.11.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 485 of 2021 with M.A. No. 507 of 2021

Ex. Gnr. Niraj 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submits to file objection against delay condonation application. Let objection be filed within two weeks. List on **13.10.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 486 of 2021 with M.A. No. 506 of 2021

Smt. Poonam Singh W/o Late Ex. Sep. Ajay Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Ramesh Chadnra Shukla, Advocate on behalf of the respondents is taken on record. Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents. The instant Original Application has been filed for grant of pensionary benefits as well as Ex-Gratia with delay of 05 years and 08 months in regard to which an application supported with affidavit has been made. We have gone through the averments made in affidavit filed in support of delay condonation application and find that law of limitation being not applicable in pensionary matter and cause shown being sufficient, we condone the delay, if any. Delay condonation application stands decided accordingly. **O.A. No. 486 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **28.10.2021** for exchange of pleadings. List the matter before Tribunal on **24.11.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Gnr. (DS) Sukhdeep 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Kavita Belaura, Advocate on behalf of the respondents is taken on record. 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. It is a fresh Execution Application. Ld. Counsel for the respondents to seek instructions in the matter within two weeks. List on **25.10.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

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

Versus

Ex. Sub/AEC Hirdai Narain Kushwaha Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India & Others. **M.A. No. 508 of 2021** For the reasons stated in affidavit filed in support of modification application, modification application is **allowed**. 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".** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 116 of 2017 Inre : O.A. No. 21 of 2013

Pramod Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. It is submitted by the Ld. Counsel appearing on behalf of the respondents that Supplementary Affidavit of compliance filed by the respondents in terms of order dated 07.04.2021 be taken on record which is allowed. It is further submitted to grant some more time to file another Supplementary Affidavit of compliance of order which is allowed. Let Supplementary Affidavit of compliance be filed, as prayed, within two weeks after serving its copy to the Ld. Counsel for the applicant who may file objection within two weeks next thereafter. List on **13.10.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri D.K. Pandey , Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents three days further time is granted to file affidavit of compliance. List on **17.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 30 of 2018 Inre : O.A. No. 119 of 2017

Smt. Rajwati Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. 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. 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. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Shiv Kumar Joshi 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents. 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. 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. List on **23.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Lekh Raj Sigh 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yshpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. 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. Let notices be issued to the newly made respondents returnable within four weeks. 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. List on **13.10.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Babu Ram Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.K. Misra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. 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. 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. The order being complied with, the Execution Application deserves to be dismissed and is accordingly **dismissed.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Brijesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. 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. In regard to above, the submission of Ld. Counsel for the applicant is that applicant has not received the copy of the letter. 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. List on **09.11.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 215 of 2018 Inre : T.A. No. 75 of 2011

Ex. Swr. Ashok Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Bachchan Singh, Ld. Counsel for the applicant, Dr. S.N. Pandey, Ld. Counsel for the respondents and Shri Rajiv Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad) are present. Shri Rajiv Tiwari, Assistant Accounts Officer, PCDA (P), Prayagraj submits that in case of pay and allowances no P.P.O. is issued rather payment is made through cheques. Thus, his submission is that order dated 17.03.2021 regarding issuance of P.P.O. be amended. In view of submission made herein above, the order dated 17.03.2021 regarding issuance of P.P.O. is modified and respondents are directed to make compliance of the order as per modes provided within four weeks from today. List on **11.10.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Smt. Kanti 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri 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. 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. 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. 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. List on **12.10.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 56 of 2019 with M.A. No. 509 of 2021 Inre : O.A. No. 239 of 2012

Hav/Clk. Ram Roop 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
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri I.P. Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. An application being Misc. Application No. 509 of 2021 has been filed by the respondents seeking time to make compliance of the order. Let order under execution be complied with within four weeks and affidavit of compliance be filed. Misc. Application No. 509 of 2021 stands decided accordingly. List on **13.10.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

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

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

Court No. 1

O.A. No. 459 of 2018

Madho Prasad Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Wg Cdr Ajit Kakkar (Retd), learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents. Original Application is allowed. For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve) 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

T.A. No. 84 of 2016

Devendra Singh Kushwaha 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**
	01.09.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Nishant Verma, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents. Transferred Application is dismissed. For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** SB