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

M.A. No. 67 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Sep./MT Devinder 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
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Arun Kumar Sahu, Advocate appears on behalf of the respondents and fillies power which is taken on record. On the case being taken up for hearing Shri Akash Dikshit, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents prays for and is granted four weeks time to file objection against delay condonation application. Reply to objection, if any, may be filed within two weeks next thereafter. List on **07.04.2021**. **(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. 68 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Nk. Birija Bhar 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
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Mrs. Deepti Prasad Bajpai, Advocate filed power today in Court on behalf of the respondents which is taken on record. Heard Shri Prashant Kumar Singh, Ld. Counsel for the applicant and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents. There is a delay of 20 years, 03 months and 23 days in filing Original Application. Submission of learned counsel for the applicant is that matter pertains to grant of disability pension 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. Ld. Counsel for the respondents has vehemently opposed the prayer on the ground that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Having heard submission of Ld. Counsel of both sides and considering the facts and circumstances of case, we are of the view that bar of limitation is not applicable in pensionary matter and also that cause shown is sufficient. Accordingly, we **condone** the delay. Let Original Application be registered. **O.A. No. ... 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 **27.04.2021** for exchange of pleadings. List the matter before Tribunal on **11.05.2021.** **(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. 38 of 2020 Inre ; O.A. No. 109 of 2016

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

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.02.2021 **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 Diwakar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submitted that while passing order dated 14.10.2020 in M.A. No. 236 of 2020 with M.A. No. M.A. No. 237 of 2020 Inre : O.A. No. 109 of 2016 two orders have been recorded, by which while rejecting the application for condonation of delay in filing application for leave to appeal and also dismissing the same being barred by time, the execution application has also been dismissed in full and final satisfaction as order under execution has been complied with. He further submitted that in fact only part of order has been complied with and applicant has been reinstated into service and monetary part of the order is still in the process of compliance. In view of what has been stated above, we recall the order dismissing the Execution Application in full and final satisfaction and **restore** the Execution Application to its number. It is further submitted by the Ld. Counsel for the respondents that as the matter pertaining to compliance of the order regarding payment of arrears and it needs four weeks more time to make the compliance and to file affidavit of compliance which is allowed. Let affidavit of compliance be filed within four weeks. List on **16.03.2021**. **(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. 43 of 2019

Ex. Ris. Govind 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
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents are present. Original Application is **allowed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

T.A. No. 84 of 2016

Devendra Singh Kushwaha Petitioner
By Legal Practitioner for the Petitioner

Versus

GOC-in-C, Central Command, Lucknow & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.02.2021 **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 Nishant Verma, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **23.04.2021** 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)

Ex. A. No. 29 of 2020 Inre ; O.A. No. 15 of 2017

Ex. Sep. Om Prakash Tripathi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.02.2021 **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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Shri Ashish Kumar Singh, Ld. Counsel for the respondents submitted that compliance is in process. He also submitted that four weeks further time be granted to file affidavit of compliance which is allowed. List on **22.03.2021**. **(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. 232 of 2018 Inre : O.A. No. 584 of 2017

Ex. Hav. (Hony. Nb. Sub.) Radhey Shyam 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
	02.02.2021 **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 Parijaat Belaura, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents seeks and is allowed two weeks further time to file affidavit of compliance. List on **23.02.2021**. **(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. 344 of 2020

Ex. Hav. (Hony. Nb. Sub.) Kamta 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
	02.02.2021 **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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present. Since Larger Bench has been formed at Principal Bench, New Delhi for disposal of similar issues therefore the case is adjourned sine die. **(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. 230 of 2018 Inre : O.A. No. 120 of 2017

Capt. V.P. Singh (Retd.) 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
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Ms. Poonam Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. Supplementary affidavit of compliance filed by the respondents is taken on record. Shri Rajeev Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Allahabad is also present and he submit that P.P.O. has been issued, however, arrears could not be credited in applicant's account due to non-submission of Life Certificate with Branch. Applicant is directed to submit Life Certificate with the concerned Branch at earliest and soon said Certificate is submitted, respondents are directed to credit arrears therein preferably within a period of four weeks. List on **15.03.2021**. **(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. 245 of 2020

Ex. Hav. (Hony. Nb. Sub.) Ram Sewak 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
	02.02.2021 **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 Rakesh Kumar Yadav, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submitted that as per information received from Principal Controller of Defence Accounts (Pension), Allahabad in compliance of order Rs.2,35,547/- has already been credited in applicant's account towards arrears besides Rs.21,653/- being paid per month as pension. Regarding above, submission of Ld. Counsel for the applicant is that arrears have been cleared till June, 2014 only and that applicant is not getting the pension of Honorary Naib Subedar as basic pay payable to Honorary Naib Subedar is Rs.9,430/- and not Rs.8,430/- as respondents say. Respondents are directed to file affidavit of compliance stating therein details regarding compliance after serving its copy to Counsel for the applicant. Applicant is also directed to furnish calculation sheet regarding arrears due to him as well as payable basic pay within two weeks. List on **23.03.2021.** **(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. 105 of 2019 Inre : O.A. No. 502 of 2019

Harishanker Dwivedi 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
	02.02.2021 **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 Satendra Kumar Singh, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present. It is submitted by the Ld. Counsel for the respondents that P.P.O. has been issued in the matter. He further submitted that regarding charged expenditure sanction is still awaited, therefore, four weeks further time be given to file affidavit of compliance. Let affidavit of compliance be filed within four weeks, as prayed. List on **24.03.2021**. **(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 2019 Inre : O.A. No. 46 of 2017

Maj. (Retd.) B.S. Rawat Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.02.2021 **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 V.P. Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. Shri Namit Sharma, Ld. Counsel for the respondents submitted that order under execution is in the process of being complied with, therefore, six weeks further time be given. Let compliance be made and affidavit of compliance be filed within six weeks. List on **25.03.2021**. **(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. 27 of 2020 with M.A. No. 383 of 2019

Ex. Hav. (Hony. Nb. Sub.) Jag Pal 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
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents. **M.A. No. 383 of 2019** The Original Application has been filed with delay of 09 years, 04 months and 02 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 27 of 2020** Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection. With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents. Let a copy of this order be provided to the learned Counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Awadhesh Kumar Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.02.2021 **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 Namit Sharma, Ld. Counsel for the respondents are present. Shri Namit Sharma, Ld. Counsel for the respondents submitted that although leave to appeal was dismissed on 27.01.2021, but the order being not uploaded on the website of the Armed Forces Tribunal, Regional Bench, Lucknow, copy of the same could not be obtained and could not be transmitted to the concerned department to make its compliance. Thus, he submitted that order be uploaded by today itself and its copy be given to the respondents by today itself so that compliance may be made at the earliest. Let order dated 27.01.2021 passed on leave to appeal be uploaded and a copy of same be given to Counsel for respondents today itself and thereafter compliance of order be made within four weeks and affidavit of compliance be filed. List on **05.03.2021**. **(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. 137 of 2019 with M.A. No. 276 of 2020

Mukesh 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
	02.02.2021 **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 Adesh Kumar Gupta, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submitted that objection against amendment application is almost ready. He further submitted that a week time be given to file objection. Let objection be filed within a week. List on **12.02.2021**. **(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. 202 of 2012

Vijay Kant Shukla Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	02.02.2021 **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 Rohit Kumar, Ld. Counsel for the applicant and Shri Ashish Agnihotri, Ld. Counsel for the respondents are present. List on **01.03.2021** 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. 27 of 2018

Shri Niwas Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col. Rakesh Johri (Retd.), Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents and perused the records. On perusal of record it reveals that the applicant's First Appeal dated 07.08.2017 for grant of disability pension was rejected vide letter dated 28.08.2017, annexed at page 11 of the Original Application, citing being barred by time, which was communicated to the applicant vide letter dated 09.10.2017, annexed at page 13 of the Original Application. Having heard submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, respondents are directed to decide First Appeal dated 07.08.2017 of the applicant on merits, after condoning the delay in preferring the said Appeal, within a period of four months from today. With the above direction Original Application stands **disposed off**. **(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. 204 of 2018

Smt. Lal Maya Gurung 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
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. Order is 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. 141 of 2012

Smt. Rekha 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
	02.02.2021 **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 Nishant Verma, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. List on **02.03.2021** 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)

T.A. No. 84 of 2012

Narendra Kumar Rana 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
	02.02.2021 **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 Pankaj Kumar Shukla and Shri Virat Anand Singh, Ld. Counsel for the petitioner and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present. List on **05.03.2021** 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. 90 of 2018

Umesh Oraon 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
	02.02.2021 **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 S.K. Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the applicant two weeks and no more time is granted to file Rejoinder Affidavit. List on **16.02.2021**. **(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. 85 of 2019 with M.A. No. 362 of 2019
Along with
O.A. No. 64 of 2014 (Decided)

Ex. Nb. Sub. Ram 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
	02.02.2021 **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 V.P. Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents list on **09.02.2021**. **(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

T.A. No. 17 of 2017
Along with
Ex. A. No. 53 of 2019 Inre : T.A. No. 17 of 2017

Sqn. Ldr. R.K. Kashyap (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
	02.02.2021 **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. Y.R. Sharma (Retd.), Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the applicant, list on **11.05.2021** 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

Ex. A. No. 53 of 2019 Inre : T.A. No. 17 of 2017
Along with
T.A. No. 17 of 2017

Sqn. Ldr. R.K. Kashyap (Retd.) 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
	02.02.2021 **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 Yogesh Kesarwani, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the applicant, list on **11.05.2021**. **(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/122 of 2017 with M.A. No. 716 of 2018
Ex-A/92 of 2013 Inre O.A. No. 333 of 2012

Ram Ashre 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**
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Shyam Bihari Tiwari, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents. **Ex-A/122 of 2017** 1. This is an application for execution of order dated 24.08.2012. 2. We have gone through the records and find that execution stands completed. The documents placed on record indicate that applicant has been paid arrears of pension of Hony Nb Sub in light of Circular dated 21.02.2020 and interest on arrears @ 8% p.a. has also been paid which has been confirmed by Shri RK Tiwari, Accounts Officer from PCDA (P), Allahabad. The said amounts were credited to applicant's account in the months of August 2020 and December 2020 respectively. Applicant is in receipt of regular pension of Hony Nb Sub. 2. However, argument of learned counsel for the applicant is that applicant is eligible for grant of pension equivalent to regular Nb Sub as held by order dated 24.08.2012 and not of Hony Nb Sub. 3. On this issue, since Larger Bench has been formed at Principal Bench, New Delhi for disposal of similar issues, therefore, this issue may be raised afresh after the similar issues are decided favourably by the Larger Bench. 4. With this, execution application stands disposed off. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 383 of 2019

Hav/Clk Gurjant 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
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Wg Cdr SN Dwivedi, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents. 1. Aggrieved by the respondents' order dated 16.04.2019, denying him premature discharge, applicant has filed the instant O.A. seeking following reliefs: *(I) To issue an order or direction setting aside the impugned order dated 16.04.2019 to the extent it says that at present it is not feasible to consider the request for premature discharge of the applicant.* *(II) To issue an order or direction to the respondents deciding the issue of premature discharge of the applicant in a definite manner which he was already raised by way of application dated 29.03.2019 and the same has been forwarded by the competent authorities as well.* *(III) To issue an order or direction to the respondent to permit the applicant to make a fresh representation submitting all the supportive documents and the representation so made by the applicant may be decided in a time bound manner.* *(IV) To issue an order or direction to the respondent to broad-band the disability pension granted to the applicant.* *(V) To issue an order or direction that this Hon'ble Tribunal may deem fit and proper under the facts and*

circumstances of the case.

(VI) Award the cost of the application to the applicant.

2. Brief facts of the case are that applicant, while filing present application, was serving with ZRO, Lucknow (peace posting) and on receipt of posting to 19 RR (field posting) vide order dated 16.03.2019, he submitted an application dated 29.03.2019 for premature discharge on extreme compassionate grounds which was processed duly recommended vide letter dated 02.04.2019. Application for premature discharge was not acceded vide letter dated 16.04.2019 on the ground of deficiency of manpower and large number of such premature discharge applications being in queue. It was also submitted that premature discharge application is not supported with medical documents. Meanwhile, applicant submitted an application for cancellation/deferment of posting vide application dated 22.04.2019 which was accepted by the competent authority vide order dated 04.05.2019 and his posting to field area was deferred till 31.07.2019. The crux of the case is that he was denied premature discharge on the ground of deficiency of manpower and non availability of medical documents, which the applicant submitted alongwith his application dated 29.03.2019. It has also been alleged that some persons of the unit have been granted premature retirement on compassionate grounds. His further grievance is that his letter dated 29.03.2019 has not been given due cognizance and that reply of the letter is still awaited.

3. Learned counsel for the applicant submitted that applicant is very much willing to serve the nation but on account of crucial domestic problems he has no option but to leave the army to look after his old

aged ailing parents. He further submitted that applicant's wife is also suffering from mental illness and due to prolonged separation (being served in non-family station) from family, relation between husband and wife stranded thereby causing a matrimonial dispute which was fortunately amicably resolved by intervention of relatives. His further contention is that applicant's premature discharge application dated 29.03.2019 has not been given due weightage and not decided as yet.

4. On the other hand, learned counsel for the respondents submitted that on account of huge deficiency of manpower in the unit and also forthcoming raising of new unit, applicant was not considered for premature discharge on compassionate grounds but he was allowed extended tenure in the unit (peace area) he was posted to resolve his domestic issues. It was also contended that applicant's premature discharge application was not supported with medical documents. The learned counsel for the respondents further contended that since the applicant is in SHAPE-I, no broad-banding of disability pension is applicable to applicant as is pleaded in para 8 (iv) of O.A. He pleaded for dismissal of O.A.

5. We have perused the records and find that applicant, while serving with ZRO, Lucknow, had submitted an application dated 29.03.2019 for premature discharge on compassionate grounds which was not conceded due to deficiency of strength in unit/establishment. It was also advised vide communication dated 16.04.2019 to send supported medical documents. During pendency of premature discharge application, applicant's tenure at peace station was extended till

30.07.2019 to resolve his domestic problems before proceeding to field posting i.e. 19 RR.

6. It appears that premature discharge application dated 29.03.2019 submitted by applicant has not been given due credence and applicant has not been communicated any decision to this effect till date. Therefore, to impart justice to applicant, his application be termed as representation dated 29.03.2019 and needs to be decided.

7. While going through rejoinder affidavit, it is found that three batch-mates of applicant, even two being junior to him, have been granted premature discharge from service vide order dated 21.07.2020. It was also orally pleaded that some other persons have also been granted premature discharge after sanction of discharge in respect of aforementioned persons. The record also reveals that a fresh application dated 26.08.2020 for premature discharge in respect of applicant has been forwarded duly recommended.

8. Be that as it may, the respondents are directed to decide applicant's representation dated 29.03.2019 and 26.08.2020 within a period of three months and communicate the decision to applicant.

9. With the aforesaid observations, O.A. is disposed of.

10. No order as to costs.

11. Pending applications, if any, are disposed of.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

rathore

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

O.A. No. 192 of 2019

Ex AC (U/T) Rashtradeep 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
	02.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, 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)** SB