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

O.A. No. 492 of 2019

Ex. Hav. (Hony. Nb. Sub.) Dongre Sanjay Chandrabhan 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
	04.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. Original Application is **partly 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)

M.A. No. 77 of 2021 Inre : O.A. (Nil) of 2021

Lt. Col. Suprita Chandel 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
	04.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Sunil Sharma, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Col. Y.R. Sharma (Retd.), Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents along with Maj. Sini Thomas, Departmental Representative are present. Shri Sunil Sharma, Ld. Counsel for the respondents submits that time be given to file objection against delay condonation application. Let objection be filed within 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)

M.A. No. 78 of 2021 Ine : O.A. No. (Nil) of 2021

Ex. Lady Cadet Nira Chaudhary 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
	04.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of the respondents which is taken on record. Heard Col. Y.R. Sharma (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. The Original Application has been filed with delay of 01 year, 07 months and 26 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. Let Original Application be registered. **O.A. No. 99 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 **18.03.2021** for exchange of pleadings. List the matter before Tribunal on **19.04.2021.** **(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)

Ex. A. No. 30 of 2019 Inre ; O.A. No. 168 of 2018

Vijesh K.K. 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
	04.02.2021 **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 Ashok Kumar, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. Ld. Counsel appearing on behalf of the applicant submitted that applicant is not in contact with him since 2-3 years. It is also submitted that applicant has not filed the copy of representation dated 16.03.2016 to the respondents for consideration. In view of aforesaid, Execution Application is **dismissed** for non-prosecution. **(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. 645 of 2018 Inre : O.A. No. (Nil) of 2018

Ex. Hv. Sukhdev 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
	04.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. There is a delay of 17 years, 07 months and 06 days in filing Original Application. It is submitted by Ld. Counsel for the applicant that he came to know his name is not included in DPC in the year 2000. It is further submitted that applicant was never disclosed earlier that his name is not included in the names of consideration. He also submitted that matter pertains to promotion which is a recurring cause. Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that there is a long delay of more than 17 years and no satisfactory explanation has been given for the same. Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case as well as that matter pertains to promotion which is a recurring case, we **condone** the delay. Let Original Application be registered. **O.A. No. 100 of 2021** It is a fit case for adjudication. Admit. Issue notice to the respondents. Shri Yogesh Kesarwani, Advocate has accepted notice on behalf of the respondents. 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 **24.03.2021** for exchange of pleadings. List the matter before Tribunal on **19.04.2021**. **(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. 425 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Gdsm. Daryao 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
	04.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents. There is a delay of 48 years, 10 months and 01 day in filing Original Application. Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate. The applicant was enrolled in the Indian Army on 07.03.1968 and was invalided out from service on 23.12.1969. His further submission is that when applicant was invalid out from service, he was given assurance that he will get Disability Pension, hence, he was waiting for P.P.O. On the advise of an Ex-serviceman of his village he sought information under R.T.I. dated 16.01.2019 seeking copy of his Invaliding Medical Board proceedings. The respondents vide their letter dated 30.01.2019 given reply that his complete service documents have been destroyed by a board of officer on completion of prescribed period i.e. 25 years. Thereafter, preferred Appeals on 19.02.2019 and 01.04.2019. Thus, his submission is that delay is not deliberate, but for the reasons stated above. Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 48 years has not been properly and satisfactorily explained. Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay in filing Original Application is not sufficient. It is settled in law that if any time limit is given for filing application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed to do in the present case. In the result, we find that delay is not condonable. Accordingly, delay condonation application is **rejected.** Original Application being time barred is also **rejected.** **(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. 68 of 2019 with M.A. No. 475 of 2020

Sub. Nand Lal Gupta 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
	04.02.2021 **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 Ms. Appoli Srivastava, Ld. Counsel for the respondents. **M.A. No. 475 of 2020** It is submitted by the Ld. Counsel for the applicant that amendments have necessitated due to superannuation of applicant during the pendency of Original Application. Amendments being formal in nature are **allowed.** Let amendment be incorporated within a one week. **O.A. No. 68 of 2019** Pleadings have already been exchanged between the parties. List on **26.04.2021** 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)

O.A. No. 81 of 2020 with M.A. No. 901 of 2019

Ex. Nk. Shyam 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
	04.02.2021 **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 K.K. Misra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit as well as objection on delay condonation application. List on **25.02.2021**. **(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. 48 of 2021

Sub. Kuldeep 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
	04.02.2021 **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 R. Chandra, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents are present. Learned counsel for the applicant submitted that applicant was enrolled in the Army on 11.03.2005 as Havildar Instructor and as per recommendations of 6th Central Pay Commission he was granted next increment on 01.07.2007 instead of 01.07.2006, thereby resulting in huge loss to the applicant and recovery of Rs 67,388.00 Learned counsel for the respondents conceded grant of next increment to applicant with effect from 01.07.2006. Learned counsel for the applicant placed reliance on Armed Forces Tribunal, Principal Bench, New Delhi judgment delivered on 15.10.2014 in the case of **Ex Hav *Manoj Kumar vs Union of India & Ors*** (O.A. No. 94 of 2013) and Armed Forces Tribunal, Lucknow judgment delivered on 01.12.2020 in the case of ***Ex Sub Ravi Kumar Mishra vs Union of India & Ors*** (O.A. No. 651 of 2020), and prayed for benefits to be granted to applicant. We have perused the records and SAI 1/S/2008, according to para 9 the applicant is eligible for grant of next increment with effect from 01.07.2006 instead of 01.07.2007. Thus in light of the aforesaid judgments the present O.A. is **allowed**. In view of the above, the applicant's pay scale be re-fixed as on 01.01.2006 as per 6th CPC recommendations and he is allowed to avail of consequential benefits that accrue. Due arrears to be paid within the next four months, failing which, it shall carry interest @ 8% per annum. No orders as to cost. . **(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. 93 of 2019 Inre : O.A. No. 481 of 2018

Dushyant 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
	04.02.2021 **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 Santosh Singh, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present. It is submitted that order under execution could not be complied due to non submission of required documents which was strongly denied saying documents have been sent on 16.12.2020. In the circumstances, applicant is directed to furnish copies of required documents to the Counsel for the respondents within a week. On receipt of documents the respondents' Ld. Counsel shall send it to the concerned department and shall ensure compliance within four weeks. List on **06.04.2021** for further consideration. **(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. 194 of 2017 Inre : O.A. No. 99 of 2016

Kishan 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
	04.02.2021 **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 the applicant Shri Kishan Kumar is present in person. Shri Kaushik Chatterjee, Ld. Counsel for the respondents is also present and he filed an application seeking dismissal of Execution Application. The copy of this application has not been served upon the applicant. Respondents are directed to serve copy of application to the Counsel of applicant through e. mail who may file objection, if any, within three weeks. List on **01.03.2021**. **(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. 475 of 2019

Ex. Hav. (Hony. Nb. Sub.) Vidhata 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
	04.02.2021 **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.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. 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. 101 of 2019 Inre : O.A. No. 34 of 2016

Ex. Nb. Sub. (DSC) Sabhajit 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
	04.02.2021 **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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Mrs. Deepti Prasad Bajapi, Ld. Counsel for the respondents are present. Ld. Counsel appearing for the respondents submitted that cost Rs.10,000/- has been deposited on 09.01.2021. She also submitted that four weeks further time be granted as last chance to make compliance of the order which is allowed on payment of Rs.25,000/- as cost payable to applicant. 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. 290 of 2017 with M.A. No. 45 of 2021

Rajendra Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	04.02.2021 **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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. **M.A. No. 45 of 2021** It is submitted by the Ld. Counsel for the applicant that applicant has moved the amendment application as per direction contained in order dated 03.10.2018. We have gone through the order and we find that amendment is necessary for decision of the Original Application. \ Amendment Application is, therefore, **allowed.** Let amendment be carried out within a week. **O.A. No. 290 of 2017** Supplementary Counter Affidavit to the amended pleadings maybe filed within two weeks. 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)

Ex-A/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**
	04.02.2021 **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 Vinay Pandey, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents are present. Judgment. **(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)

Ex-A/45 of 2019 Inre O.A. No. 110 of 2018

Ex Hav Dinesh Pal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	04.02.2021 **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 Vinay Pandey, learned counsel for the applicant and Mrs Amrita Chakraborty, learned counsel for the respondents are present. Learned counsel for the respondents submitted that order under execution has been fully complied with to which learned counsel for the applicant sought a weeks time to check from the applicant, which is allowed. List on **18.02.2021**. **(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)

M.A. No. 76 of 2021 Inre Ex-A/18 of 2019
Inre T.A. No. 79 of 2016

Smt Kanti Devi Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	04.02.2021 **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, learned counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents are present. Learned counsel for the applicant seeks and is allowed to incorporate amendments during course of the day. List on **01.03.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 443 of 2019

Ex Nk Pandu Kumar Reddy 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**
	04.02.2021 **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 AK Srivastava (Retd), learned counsel for the applicant and Shri Ram Saran Awasthi, learned counsel for the respondents are present. Judgment. **(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. 60 of 2014

Awadhesh 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**
	04.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R Chandra, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents and Shri Ashutosh Srivastava, Advocate from AGIF. Judgment (rounding off) with SB. **(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. 85 of 2016

Mahendra 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**
	04.02.2021 **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 R Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. It is submitted by learned counsel for the applicant that matter regarding maintainability of application with regard to AGIF is still pending before the Hon'ble Supreme Court. List on **17.02.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 220 of 2016

Radhey Shyam Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	04.02.2021 **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 Shailendra Kumar Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **24.02.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 447 of 2017

Vikas Pandey Applicant
By Legal Practitioner for the Applicanrt

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	04.02.2021 **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 Vinay Pandey, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. List on **18.03.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 165 of 2016

Ajit 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**
	04.02.2021 **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, learned counsel for the petitioner and Dr. SN Pandey, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **08.02.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 241 of 2018

Anuj 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**
	04.02.2021 **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, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **07.05.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 335 of 2017

Tomy Varghese (IAF) 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**
	04.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Birendra Prasad Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents. 1. The applicant has filed this application under Section 14 of the Armed Forces Tribunal Act, 2007 and has sought the following reliefs:- (i) Issue an order or direction to the respondents quashing the impugned order dated 16.12.2016 together with order dated 29.06.2017 as contained in Annexure No 1 and 2 to the instant original application, and/or (ii) Issue an order or direction to the respondents hereto ignore the impugned order of punishment and restore the reputation of applicant in the service documents while considering the candidature of the applicant for promotion etc. and/or (iii) Issue an appropriate order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case including an order of awarding damages as well as cost of the instant application in favour of the applicant and against the respondents, hereto. 2. Brief facts of the case are that the applicant, while posted strength of 45 Wing had travelled by train in the year 2013 and claimed Rs 1,035/- for journey performed by him and his family from Sirsa to Delhi and back. Accordingly leave travel concession claim was forwarded. Details of journey performed are appended below:- Date / From / To / Mode of conveyance 16.02.2013 / Sirsa / Delhi / By train 07.05.2013 / Delhi / Sirsa / -do- 3. During audit, the PCDA found that the tickets enclosed alongwith bill did not

match with PNR Number and they raised observation. The applicant was issued 'show cause notice' and on receipt of reply from applicant, he was awarded reproof i.e. warning in terms of para 712 of Regulations for the Air Force, 1964. Against award of punishment, the applicant submitted an application to Chief of Air Staff for redressal of his grievance, which was rejected vide speaking and reasoned order dated 29.06.2017. Feeling aggrieved, applicant has filed present O.A.

4. Learned counsel for the applicant submitted that applicant and his family consisting of wife and two daughters performed journey on 16.02.2013 and 07.05.2013 by train in chair car, though he was entitled to air conditioned first class and paid Rs 1035/- for onward and return journey which were claimed through leave travel concession bill for the year 2013. Further submission of learned counsel for the applicant is that railway tickets were purchased from window and the same were enclosed alongwith the claim. Learned counsel further submitted that PCDA, based on a purported PNR enquiry report, had raised observations which were not authenticated. Learned counsel for the applicant contended that keeping in view applicant's service profile punishment awarded on trivial and fake ground be set aside and justice awarded to him.

5. On the other hand, learned counsel for the respondents submitted that as per PCDA, tickets and PNR numbers enclosed alongwith claim belong to some other persons and fraud was substantiated. Applicant was awarded lenient punishment as per service norms, which is justified and as per law. His further contention is that the competent authority after taking into the account the relevant rules and regulations has taken action to proceed against applicant, hence it does not suffer from any illegality. He pleaded the O.A. to be dismissed.

6. We have perused the records.

7. We find that the applicant had submitted a leave travel concession claim for the year 2013 with which it is alleged that false tickets and PNR Numbers were enclosed which belonged to some other persons. On verification it was established that the details of journey quoted by the applicant were not in consonance with the details of journey undertaken against the verified PNR numbers. The class of journey as brought out in the PNR enquiry report was also sleeper class, as against

	chair car quoted by the applicant in his claim. The applicant was awarded 'reproof' by the Air Officer Commanding in Chief, Western Air Command in terms of Air Force Order 03/2008 for his misconduct of financial impropriety. 8. We are of the view that punishment awarded by the competent authority is as per rules and regulations and deserves no interference at this stage. 9. In view of the above, O.A. is devoid of merit and liable to be rejected. It is accordingly, **rejected.** 10 No order as to costs. 11. Pending applications, if any, are 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. 580 of 2019

Smt. Neelam Singh W/o Ex. Rfn (Late) Jitendra 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
	04.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Order pronounced today in the open Court. O.A. No. 580 of 2019, Smt. Neelam Singh vs. Union of India and Others 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