

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Original Application No. 484 of 2020

Friday, this the 04th day of June, 2021

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

No. 11933 Rfn Govind Singh Rawat (Retd) son of late Shri Ratan Singh Rawat, resident of vill-Gurundi Patti-Khatsyyum, PO-Chonrkhal, Distt-Pauri Garhwal (UK) residing now at C/O Capt Gamal Singh Rawat, Uttranchal Enclave, Sect-I, H. No. 07, PO-Haripur Nawada, Distt-Dehradun (UK)-248005.

.... Applicant

Ld. Counsel for the: Shri Virat Anand Singh, Advocate
Applicant

Versus

- 1. Union of India and others through The Secretary Ministry of Defence, South Block, New Delhi-110011.**
- 2. Chief of the Army Staff, Integrated HQ of MoD (Army) DHQ, PO-New Delhi-110011.**
- 3. Officer Incharge, Records, The Garhwal Regimental Centre, Lansdowne, UK.**
- 4. Officer Incharge, Disability pension, PCDA, Draupadi Ghat, Allahabad (UP).**

... Respondents

Ld. Counsel for the: Dr. Shailendra Sharma Atal,
Respondents **Sr. Central Govt Counsel.**

ORDER

1. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-

(i) To issue order or directions to the respondents to grant War Injury Pension to the applicant for the disability he had, with effect from 07.05.1947 (date of discharge : 06.04.1947) with all consequential benefits including balance of arrears till date of payment.

(ii) Any other relief as considered proper by the Hon'ble Tribunal be awarded in favour of the applicant.

(iii) Allow this application with cost of Rs 50,000/-.

2. The brief facts necessary for disposal of the case are that the applicant was enrolled in the Third Royal Garhwal Battalion of British Army on 06.09.1941 and was injured in a battle in Italy during World War-II. Consequently, he was invalided out from service on 06.04.1947 and granted disability pension w.e.f. 07.04.1947 for life vide pension order No. 7 Pt IV SL No 6055 dated 25.12.1947 which was revised subsequently. The applicant is in receipt of disability pension for the disability 'Splinter Wound (HE) of the right knee' as brought out in the Invaliding Medical Board (IMB) dated 31.01.1947 (Annexure A-I to the O.A.). The applicant is claiming war injury pension instead of disability pension. Hence this O.A.

3. Learned counsel for the applicant pleaded that disability of the applicant occurred on 03.10.1944 in Italy during World War-II, therefore he is entitled to war injury pension in place of disability pension as per various judgments pronounced by Armed Forces Tribunals.

4. On the other hand, learned counsel for the respondents contended that the applicant is not entitled to war injury pension in

terms of Ministry of Defence letter dated 24.02.1972 which stipulates that policy is applicable to disabled veterans wounded during wars and operations of 1971, 1965 and 1947-48. He further submitted that since applicant has sustained injury during World War-II, i.e. pre-independence, he is not entitled to war injury pension. Respondents learned counsel further pleaded that the present case pertains to pre-Independence and medical documents related to applicant have already been destroyed after holding for fifty years, therefore, in the absence of relevant medical documents the case cannot be decided at this stage. He pleaded for dismissal of the O.A.

5. We have heard Ld. Counsel for the parties and perused the records.

6. This is a case where an Infantry Army soldier (3rd Royal Garhwal Rifles of the British Army) took active part in World War-II in Italy during 1944 and suffered disability leading to invaliding out from service in 1947. We have perused medical records produced by applicant which clearly show that applicant was invalided out from service due to splinter wound injury in his right leg knee and the medical board had recommended him to be invalided out in category 'E'. In this regard we have perused the opinion expressed by Surgical Specialist which clearly indicates that since the applicant had become unfit to serve in the army, therefore, he was recommended to be invalided out from service in category 'E'. For convenience sake, opinion of the surgical specialist (though not completely legible) is excerpted as under:-

“Patient sustained a S.W. (H.E.) of the right knee fracture of the femur and skull on 03 Oct 44.

Fracture of the femur was a comminuted fracture at the end of the bone involving the joint.....and sequestrum were removed.

x x x x x x x x x x

He is unlikely to be left in the service.

I advise cat E”.

7. From the aforesaid opinion and material available on record, it appears that the disability suffered by the applicant during World War-II (during 1944 in Italy) is war injury, therefore he is entitled to receive war injury pension as the IMB has assessed his disability as attributable to military service in field area.

8. We would like to further add that the respondents have tried to justify non grant of war injury pension to applicant by quoting an old Govt letter but this justification is just for the sake of justification and facts are so apparent to us that it clearly shows non application of mind on the subject matter as huge correspondence is on the record which created confusion at all levels. We hold that injury received on 03.10.1944 was caused on account of war injury in World War-II (Italy) and incumbent is entitled to war injury pension, like other disabled veterans wounded during wars and operations of 1971, 1965 and 1947-48.

9. Additionally, this Tribunal in a symmetrical background as that of the applicant has allowed T.A. No. 130 of 2009 on 26.10.2009 in the case of *CB Khanduri vs Union of India & Ors.* In this case the applicant was in receipt of disability pension and had pleaded for war injury pension which on adjudication was granted along with arrears.

10. In view of the above, we allow this petition and direct the authorities concerned to grant the applicant war injury pension as per rules w.e.f. his date of invalidment, but due to law of limitations

applicant shall be entitled to war injury pension along with arrears w.e.f. three years prior to filing of this application. This O.A. was filed on 09.09.2020. The respondents are further directed to revise his future pension and work out the arrears which should be paid to him within four months from receipt of a certified copy of this order.

11. No order as to cost.

12. Pending applications, if any, are disposed off accordingly.

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

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

**Dated: 04.06.2021
rathore**

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 484 of 2020

Rfn Govind Singh Rawat (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Virat Anand Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Applications, pending if any, shall be treated as disposed of accordingly.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

M.A. No. 269 of 2021 Inre : O.A. (A) No. 205 of 2021

Sep. Pawan Chndra Bhatt through mother Smt. Kamla Devi Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p><u>M.A. No. 269 of 2021</u></p> <p>Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>Appellant has filed this application seeking order to release him on bail during pendency of Original Application (Appeal) filed against the order of General Court Martial by which appellant has been dismissed from service and to suffer rigorous imprisonment for five years.</p> <p>The case against the appellant is that while being employed as Dandaman in a School Bus he aggravated sexual assault on children by hugging, biting on cheeks and lips and making them to sit in his lap. The appellant underwent trial on the above charges by a General Court Martial and was ordered to be dismissed from service and to suffer rigorous imprisonment for five years after charges being found proved.</p> <p>Ld. Counsel for the appellant submitted that appellant has not committed the offence, as said, he has been falsely implicated. He further submitted that findings recorded by the General Court Martial holding appellant guilty for the charges levelled against him are based on unreliable evidence. He further submitted that child witnesses (victims) against whom sexual assaults were allegedly aggravated were not examined during Court of Inquiry and Summary of Evidence and their evidence given before the General Court Martial being tutored was not worthy to reliance. He further submitted that even victims' mothers were not examined during Court of Inquiry. He further submitted that no mark of injury was seen on the body parts of the victims when the offence was allegedly committed.</p> <p>Ld. Counsel for the appellant further submitted that appellant is</p>

the only bread earner in family and has good chances of success in Appeal. He also submitted that appellant should be given the benefit of Hon'ble Apex Court direction to release under trials and convicts on bail/parole during pandemic situation to decongest the Jail.

Ld. Counsel for the respondents vehemently opposed the prayer and submitted that findings of conviction recorded by the General Court Martial are based on cogent evidence as not only the victims, minor female children aged about three years at the time of offence, have deposed in support of charges, but their mothers as well as Class Teacher have also supported the prosecution. He further submitted that looking to nature of offence committed by the appellant against female minor children aged about three years, appellant does not deserve to bail. He further submitted that Hon'ble Apex Court direction is not applicable in offences committed against minor children.

Appellant is an Army personal against whom the charges of aggravating sexual assault against minor children were reported to the concerned authorities immediately after the incident. The victims, who are two female children aged about three years (at the time of offence) have categorically stated that they were repeatedly sexually assaulted by the appellant while going to and coming home from School in School Bus. The victims' mothers and School Class Teacher have also deposed in favour of prosecution. Considering all this and also that appellant has been held guilty for aggravating sexual assault against minor children which is a heinous crime, we do not find it a case of bail.

Accordingly, application for bail is **rejected**.

(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. 47 of 2020 with M.A. No. 269 of 2019

Ex. Hav. Mahendra 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
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The Original Application has been filed with delay of 01 year, 07 months and 09 days.</p> <p style="text-align: justify;">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.</p> <p style="text-align: justify;">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.</p> <p style="text-align: justify;">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.</p> <p style="text-align: justify;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 47 of 2020</u></p> <p style="text-align: justify;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">Original Application is allowed.</p> <p style="text-align: justify;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: justify;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 47 of 2020

Friday, this the 4th day of June, 2021

**“Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)”**

No. 15115512-L Hav. Mahendra Ram (Retired), Son of Late Khedaru Ram, Resident of Village ; Baker Chak, Post : Pahitia, District Ghazipur, Pin : 233305 (UP).

..... Applicant

**Ld. Counsel for the : Shri R. Chandra, Advocate.
Applicant**

Versus

- 1. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi-11.**
- 2. Chief of the Army Staff, Integrated Headquarters of Ministry of Defence (Army), DHQ Post Office, New Delhi-11.**
- 3. The Officer In-charge, Artillery Records, Nasik Road Camp, Pin-422102, APS Pin – 908800.**
- 4. The Chief Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad-14 (UP).**

.....Respondents

**Ld. Counsel for the : Shri Anurag Mishra,
Respondents. Central Govt. Counsel**

ORDER

“Per Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)”

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-

- (I) Hon’ble Tribunal may be pleased to direct the respondents to grant disability pension with effect from 01.02.2017 with the interest at the rate of 18% per annum.***
- (II) Hon’ble Tribunal may be pleased further to grant benefit of rounding of disability pension @50 Percent in terms of Ram Avtar’s Case.***

(III) Any other appropriate order or direction which the Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case.

2. Briefly stated, applicant was enrolled in Artillery of the Indian Army on 31.01.1991 and was discharged on 31.01.2017 in Low Medical Category on fulfilling the conditions of his enrolment under Rule 13 (3) Item III (i) of the Army Rules, 1954. As per Counter Affidavit, at the time of discharge from service, the Release Medical Board (RMB) held at 176 Military Hospital on 22.12.2016 assessed his disability 'CAD – IW STEMI (THROMBOLYSED) PCI 10 LCS DONE (121.1)' @30% for life 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 07.04.2017 which was communicated to the applicant vide letter dated 12.04.2017. The applicant preferred Petition dated 06.11.2018 on which applicant was advised to submit time barred appeal along with detailed justification of delay and undertaking certificate for processing his time barred appeal vide letter dated 29.11.2018. It is in this perspective that the applicant has preferred the present Original Application.

3. Learned Counsel for the applicant pleaded that at the time of enrolment, the applicant was found mentally and physically fit for service in the Army and there is no note in the service documents that he was suffering from any disease at the time of enrolment in Army. The Re-Categorization Medical Board held on 07.12.2016 assessed applicant's disability 'CAD – IW STEMI (THROMBOLYSED) PCI 10 LCS DONE (121.1)' @30% as aggravated by service. Further, the disease of the applicant was contracted during the service, hence it is attributable to and aggravated by Military Service. He pleaded that various

Benches of Armed Forces Tribunal have granted disability pension in similar cases, as such the applicant be granted disability pension as well as arrears thereof, as applicant is also entitled to disability pension and its rounding off to 50%.

4. On the other hand, Ld. Counsel for the respondents contended that disability of the applicant @30% for life has been regarded as NANA by the RMB, hence applicant is not entitled to disability pension. He pleaded for dismissal of the Original Application.

5. We have heard Ld. Counsel for the applicant as also Ld. Counsel for the respondents. We have also gone through the records as well as Re-Categorization Medical Board proceedings and we find that the questions which need to be answered are of two folds:-

(a) Whether the disability of the applicant is attributable to or aggravated by Military Service?

(b) Whether the applicant is entitled for the benefit of rounding off the disability pension?

6. The law on attributability of a disability has already been settled by the Hon'ble Supreme Court in the case of *Dharamvir Singh Versus Union of India & Others*, reported in (2013) 7 Supreme Court Cases 316. In this case the Apex Court took note of the provisions of the Pensions Regulations, Entitlement Rules and the General Rules of Guidance to Medical Officers to sum up the legal position emerging from the same in the following words.

"29.1. Disability pension to be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by military service in non-battle casualty and is assessed at 20% or over. The question whether a disability is attributable to or aggravated by military service to be determined under the Entitlement Rules for Casualty Pensionary Awards, 1982 of Appendix II (Regulation 173).

29.2. A member is to be presumed in sound physical and mental condition upon entering service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical grounds any deterioration in his health is to be presumed due to service [Rule 5 read with Rule 14(b)].

29.3. The onus of proof is not on the claimant (employee), the corollary is that onus of proof that the condition for non-entitlement is with the employer. A claimant has a right to derive benefit of any reasonable doubt and is entitled for pensionary benefit more liberally (Rule 9).

29.4. If a disease is accepted to have been as having arisen in service, it must also be established that the conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service [Rule 14(c)]. [pic]

29.5. If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has led to an individual's discharge or death will be deemed to have arisen in service [Rule 14(b)].

29.6. If medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the Medical Board is required to state the reasons [Rule 14(b)]; and 29.7. It is mandatory for the Medical Board to follow the guidelines laid down in Chapter II of the Guide to Medical Officers (Military Pensions), 2002 - "Entitlement: General Principles", including Paras 7, 8 and 9 as referred to above (para 27)."

7. In view of the settled position of law on attributability, we find that in the Counter Affidavit it has been stated that RMB has assessed applicant's disability 'CAD – IW STEMI (THROMBOLYSED) PCI 10 LCS DONE (121.1)' as neither attributable to nor aggravated (NANA) by service. The RMB proceedings is not on record. We also find that Re-Categorization Medical Board held on 07.12.2016 assessed applicant's said disability as aggravated by service. The applicant was enrolled in Indian Army on 31.01.1991 and the disability has started after more than 25 years of Army service i.e. on 16.10.2016.

We are therefore of the considered opinion that the benefit of doubt in these circumstances should be given to the applicant in view of *Dharamvir Singh vs Union of India & Ors* (supra), and the disability of the applicant should be considered as aggravated by military service.

8. The law on the point of rounding off of disability pension is no more RES INTEGRA in view of Hon'ble Supreme Court judgment in the case of *Union of India and Ors vs Ram Avtar & ors* (Civil appeal No 418 of 2012 decided on 10th December 2014). In this Judgment the Hon'ble Apex Court nodded in disapproval of the policy of the Government of India in granting the benefit of rounding off of disability pension only to the personnel who have been invalidated out of service and denying the same to the personnel who have retired on attaining the age of superannuation or on completion of their tenure of engagement. The relevant portion of the decision is excerpted below:-

“4. By the present set of appeals, the appellant (s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No 1(2)/97/D (Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard Learned Counsel for the parties to the lis.

6. We do not see any error in the impugned judgment (s) and order(s) and therefore, all the appeals which pertain to the concept of rounding off of the disability pension are dismissed, with no order as to costs.

7. The dismissal of these matters will be taken note of by the High Courts as well as by the

Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.

8. *This Court grants six weeks' time from today to the appellant(s) to comply with the orders and directions passed by us.*

9. As such, in view of the decision of Hon'ble Supreme Court in the case of *Union of India and Ors vs Ram Avtar & ors (supra)*, we are of the considered view that benefit of rounding off of disability pension @ 30% for life to be rounded off to 50% for life may be extended to the applicant from the date of his discharge.

10. In view of the above, the Original Application No. 47 of 2020 deserves to be allowed, hence allowed. The orders dated 07.04.2017, 12.04.2017 and 29.11.2018 are set aside. The disability of the applicant is held as aggravated by Army Service. The applicant is entitled to get disability element @30% for life which would be rounded off to 50% from the date of his discharge. The respondents are directed to grant disability element to the applicant @30% for life which would stand rounded off to 50% for life from the date of discharge. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

11. No order as to costs.

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

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

Dated : 04 June, 2021

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

M.A. No. 283 of 2021 Inre : O.A. No. (Nil) of 2021

Hony. Capt. Yatindra Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Shyam Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed for grant of disability pension with delay of 19 years, 06 months and 20 days.</p> <p style="text-align: center;">Submission of learned counsel for the applicant in regard to delay 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.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that there is long delay of more than 19 years which has not been satisfactorily explained.</p> <p style="text-align: center;">Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we are of the view that bar of limitation is not applicable. We are further of the view that cause shown is sufficient. Accordingly, delay condonation application is allowed.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 286 of 2021</u></p> <p style="text-align: center;">It is a fit case for adjudication. Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 16.08.2021 for exchange of pleadings. List the matter before Tribunal on 08.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

M.A. No. 285 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. LD Bahadur Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Arvind Kumar Pandey, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri K.S. Singh Bisht, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed for grant of disability pension with delay of 35 years, 06 months and 04 days.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 289 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 16.08.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 286 of 2021 Inre : O.A. No. (Nil) of 2021

Smt. Savitri Devi W/o Late Shiv Shanker Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Vishwesh Kumar, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri B.B. Tripathi and Shri Amit Verma, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed for grant of service pension with delay of 36 years, 10 months and 14 days.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 290 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 16.08.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 302 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Sep. Nand Kishore Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Devesh Kumar, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Major Tarun, Departmental Representative.</p> <p>The Original Application has been filed with delay of 44 years, 07 months and 13 days.</p> <p>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.</p> <p>Major Tarun, Departmental Representative submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p>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.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 288 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 16.08.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 303 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Hav. Ram Naresh Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Namit Sharma, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submitted to grant time to file objection against delay condonation application as his contention is that Original Application has been filed with great delay of more than 38 years.</p> <p>Let objection be filed within three weeks.</p> <p>List on 26.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 274 of 2021

Hav. Vikas Prasad
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">Shri Amit Jaiswal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align:justify">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align:justify">It is a fit case for adjudication.</p> <p style="text-align:justify">Admit.</p> <p style="text-align:justify">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align:justify">List the matter before Registrar on 16.08.2021 for exchange of pleadings.</p> <p style="text-align:justify">List the matter before Tribunal on 08.09.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align:center">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 275 of 2021

Hav. Ram Shankar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 16.08.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.09.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 276 of 2021

Ex. Nk. Shankar Ingali
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Sunil Sharma, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 17.08.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 09.09.2021.</p> <p><u>Interim Relief</u></p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file objection.</p> <p style="text-align: center;">List on 19.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 285 of 2021

Ex. Sub. Maj. Indrapal Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Ashish Kumar Singh, Advocate filed power today in Court on behalf of the respondent Nos. 1 to 4 which is taken on record.</p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents Nos. 1 to 4.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Issue notice to respondent Nos. 5 and 6 returnable within four weeks.</p> <p style="text-align: center;">Ld. Counsel for the respondent Nos. 1 to 4 seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 17.08.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 09.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 281 of 2021 Inre : M.A. No. 202 of 2021

Ex. Cfn. Ranjit Singh Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>The mater is already listed on 09.07.2021 for hearing on delay condonation application which cannot be preponed.</p> <p>Early hearing application is, therefore, rejected.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 282 of 2021 Inre : O.A. No. 643 of 2020

Ex. Sep. Markandey Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Mrs. Kavita Mishra, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 282 of 2020</u></p> <p>For the reasons stated in affidavit filed in support of correction application, correction application is allowed.</p> <p>In para 3 of order dated 04.03.2021 passed in O.A. No. 643 of 2020 the date of Release Medical Board be corrected as 28.12.2019 in place of 09.08.2017.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 287 of 2021 Inre : O.A. No. 135 of 2020

Suneel Kumar S/o Late Ex. NC (E) Mewa Lal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Ruby Singh, Ld. Counsel for the applicant and Shri Sidhartha Sharma, Ld. Counsel for the respondents are present. The matter has already been listed on 12.07.2021. Application stands disposed off.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 288 of 2021 Inre : O.A. No. 96 of 2021

Sep. Sachin Singh Tomar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ruby Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submitted that copy of interim relief application has not been served to her.</p> <p>Applicant is directed to serve copy of interim relief application to the Counsel for the respondents through mail by today itself.</p> <p>Objection be filed within two weeks next thereafter.</p> <p>List on 22.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 290 of 2021 with M.A. No. 291 of 2021 Inre : O.A. No. 14 of 2019

Union of India & Others

By Legal Practitioner for the Applicants

Applicants

Versus

Krishna Kumar

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Dr. S.N. Pandey, Ld. Counsel for the applicants – Union of India and Others and Major Tarun, Departmental Representative, Legal Cell are present.</p> <p style="text-align: center;">There is no delay in filing leave to appeal. Delay condonation application stands disposed off.</p> <p style="text-align: center;">This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is dismissed.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"><div data-bbox="370 1768 914 1838" style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</div><div data-bbox="959 1768 1471 1838" style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p style="text-align: left; margin-top: 10px;">AKD/-</p>

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

M.A. No. 292 of 2021 with M.A. No. 293 of 2021 Inre : O.A. No. 599 of 2020

Union of India & Others

By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Hav. (Hony. Nb. Sub.) Bahadur Lal

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">On the case being taken up for hearing Dr. S.N. Pandey, Ld. Counsel for the applicants – Union of India and Others assisted by Major Tarun, Departmental Representative is present.</p> <p style="text-align:center">Major Tarun, Departmental Representative, Legal Cell for the respondents submitted that Leave to Appeal has been filed erroneously and may be dismissed as such.</p> <p style="text-align:center">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 294 of 2021 with M.A. No. 295 of 2021 Inre : O.A. No. 330 of 2018

Union of India & Others By Legal Practitioner for the Applicants	Applicants
Versus	
Uma Shankar Singh By Legal Practitioner for Respondent	Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Dr. S.N. Pandey, Ld. Counsel for the applicants – Union of India and Others assisted by Major Tarun, Departmental Representative is present.</p> <p style="text-align: center;">Major Tarun, Departmental Representative, Legal Cell for the respondents submitted that Leave to Appeal has been filed erroneously and may be dismissed as such.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p style="text-align: left; margin-left: 10px;">AKD/-</p>

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

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

M.A. No. 298 of 2021 with M.A. No. 299 of 2021 Inre : O.A. No. 633 of 2020

Union of India & Others By Legal Practitioner for the Applicants	Versus	Applicants
Hony. Nb. Sub. Niyaz Ahmad By Legal Practitioner for Respondent		Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Dr. S.N. Pandey, Ld. Counsel for the applicants – Union of India and Others assisted by Major Tarun, Departmental Representative is present.</p> <p style="text-align: center;">Major Tarun, Departmental Representative, Legal Cell for the respondents submitted that Leave to Appeal has been filed erroneously and may be dismissed as such.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

M.A. No. 300 of 2021 Inre : O.A. No. 170 of 2019

Ex. Sailor Sohan Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Durgesh Kumar Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 300 of 2021</u></p> <p>For the reasons stated in affidavit filed in support of correction application, correction application is allowed.</p> <p>In the order dated 22.03.2021 passed in O.A. No. 170 of 2019 name of Shri Durgesh Kumar Singh, Advocate be also added as Ld. Counsel for the applicant.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 301 of 2021 Inre : R.A. No. 20 of 2021 Inre : O.A. No. 206 of 2019

Shri Rajeev Chand & Others Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India and others is present.</p> <p><u>M.A. No. 301 of 2021</u></p> <p>For the reasons stated in affidavit filed in support of correction application, correction application is allowed.</p> <p>In para 4 (i) of order dated 24.03.2021 passed in Review Application No. 20 of 2021 in place of 18.08.1990 be corrected as 18.08.1980.</p> <p style="display: flex; justify-content: space-around;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 346 of 2019

Prem Sagar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents are present.</p> <p>Pleadings have been exchanged between the parties.</p> <p>List on 01.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 117 of 2020 with M.A. No. 957 of 2019

Smt Jayshree, M/O Late Ex Sep Anumol Pratap Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Om Prakash Kushwaha and Shri Shiv Kumar Saroj, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondent No 1 to 4 and 6 are present.</p> <p>It appears that wife of the deceased soldier is also made party in the present O.A. as respondent No 5 to whom no notice has been issued.</p> <p>This O.A. has been filed for sharing the family pension between the applicant and respondent No 5. Therefore, the version of respondent No 5 is also necessary to be heard.</p> <p>Issue notice to her (respondent No 5) returnable within four weeks.</p> <p>List on 25.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 200 of 2020 with M.A. No. 39 of 2019

Ms Arti Singh & another D/O Late Ex Sep Bijendra Singh Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Navneet Awasthi and Shri Gaurav Chand Kaushik, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that counter affidavit is under preparation and will be filed within a week.</p> <p>Let counter affidavit be filed within a week. Rejoinder affidavit, if any, may be filed within a week next thereafter.</p> <p>List on 13.08.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 255 of 2020

Ex Rect Anuj Pratap Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Manoj Kumar Awasthi, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 276 of 2020

Ex Sigmman Pramesh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Om Prakash Kushwaha, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 02.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 731 of 2020 with M.A. 117 of 2021 Alongwith M.A. No. 443 of 2020

Maj Vinay Sharma

Applicant

By Legal Practitioner for the Applicant

Versus

Secretary GOI MOD & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col YR Sharma (Retd), learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 05.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A.(A) No. 420 of 2017

Mohd Meraj Khan (Through Wife Smt Tarannum Nisha
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents are present.</p> <p>Supplementary affidavit filed by learned counsel for the applicant is taken on record.</p> <p>Adjournment prayed by learned counsel for the applicant.</p> <p>List on 03.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

R.A. No. 19 of 2019 with M.A. No. 211 of 2021
Inre T.A. No. 1257 of 2010

Ex Hav RD Tripathi
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col YR Sharma (Retd), learned counsel for the petitioner and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>Adjournment prayed by learned counsel for the applicant.</p> <p>List on 05.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 378 of 2010

Mukesh Kumar

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Arun Kumar, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 06.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 82 of 2012

Mahavir Singh Rawat Petitioner
By Legal Practitioner for the Petitioner
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col YR Sharma (Retd), learned counsel for the petitioner and Shri RKS Chauhan learned counsel for the respondents are present.</p> <p>Pleadings have been exchanged between the parties.</p> <p>List on 07.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 6 of 2013

Zamir Ahmad

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan and Shri Virat Anand Singh, learned counsel for the petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents are present.</p> <p>Pleadings have been exchanged between the parties.</p> <p>List on 08.09.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 37 of 2016

KN Dwivedi

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing applicant in person and Shri KKS Bisht learned counsel for the petitioner and Shri Ashish Kumar Singh and Shri DC Lohumi, learned counsel for the respondents are present.</p> <p>Pleadings have been exchanged between the parties.</p> <p>List on 09.09.2021.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>rathore</p>

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

T.A. No. 10 of 2017

Praveen Kumar
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Om Prakash, learned counsel for the petitioner and Shri Ashish Kumar Singh, learned counsel for the respondents are present.</p> <p>Pleadings have been exchanged between the parties.</p> <p>List on 10.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 51 of 2017

Rajeshwar Ram
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.06.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Om Prakash, learned counsel for the petitioner and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 11.09.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>