

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

O.A. No. 366 of 2021 with M.A. No. 371 of 2021

Ex. Sub. (Hony. Sub. Maj.) Ram Nagina Snigh
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Objection to delay condonation application filed by the respondents and reply thereon filed by the applicant are taken on record.</p> <p>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>Instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for direction to the respondent No. 3 to promote the applicant to the rank of Hony. Captain with effect from 15.08.1997 and Hony. Lieutenant with effect from 26.01.1998 with all consequential benefits as well as promotional benefits and for grant of service pension with arrears to the applicant to the aforesaid ranks.</p> <p>There is a delay of 21 years, 06 months and 13 days in filing Original Application.</p> <p>Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate. His further submission is that on being asked by the District Soldier Board, Ghazipur to provide Part – II Order of Hony. Subedar Majour for preparation of Identity Card the applicant preferred an application to the respondent No. 4 on 07.01.2002 on which on 18.01.2020/20.01.2020 the applicant has been provided Part II Order dated 28.09.1998, then only applicant came to know that his juniors as well as below rankers have been promoted by superseding the applicant during his service period without furnishing any information to the applicant regarding promotion. Thereafter, he (applicant) preferred an application under Right to Information Act on 23.03.2021 to provide recommendation list and Mastersheet of the applicant as well as respondent Nos. 6 and 7 but the same have not been provided to the applicant. Thus, his submission is that delay in filing application is not deliberate, but for the reasons stated above. The respondents have concealed the entire merit list from the applicant. The applicant being</p>

poor, old with huge family liabilities and having no knowledge about promotion of his juniors prior to 07.01.2020 could not approach the Tribunal earlier. He has relied upon the law laid down by the Hon'ble High Court of Judicature at Allahabad in the cases of Ganga Prasad Versus Munna Lal & Others (decided on 21.12.2017) and Prem Narain Vs. Mahabir Jai, (decided on 07.05.2018).

Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 21 years has not been properly and satisfactorily explained. A person aggrieved by an order promoting his juniors should approach the Tribunal within six months or a year of such promotion. Her further submission is that filing of representation cannot extend the period of limitation.

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 time limit is given for filing of any 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. We are of the view that if applicant was aggrieved, he ought to have raised the issue of promotion before his retirement. It cannot be believed that earlier applicant had no knowledge about his juniors promotion and came to know when Part – II Order was published and information(s) sought was not furnished under Right to Information Act.

The law laid down by the Hon'ble High Court of Judicature at Allahabad in the cases of *Ganga Prasad Vs. Munna Lal & Others* (Supra) and *Prem Narain Vs. Mahabir Jain* (Supra) are not applicable as the facts and circumstances of that cases are different than the instant case.

In the result, we find that delay in filing application is not condonable.

Accordingly, delay condonation application is **rejected**.

Original Application being time barred is also **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

O.A. No. 401 of 2017

Ranjay Kumar
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Heard arguments of Ld. Counsel of the parties.</p> <p>Judgment reserved.</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

O.A. No. 478 of 2017

Shiv Mohan 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing no one is present on behalf of the applicant nor is there any mention to pass over the case. Shri Amit Jaiswal, Ld. Counsel for the respondents is present. The Original Application is dismissed in default.</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

O.A. No. 601 of 2017

Patve Mohasin SK Salim
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Manoj Kumar Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the applicant hearing of the case is adjourned.</p> <p style="text-align: center;">List on 11.11.2021.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 431 of of 2019

Jeet Singh & Another
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicant is reported to be ill.</p> <p style="text-align: center;">List on 22.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 506 of 2019

Ms. Varsha & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Ms. Anju Singh, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicant is reported to be ill.</p> <p style="text-align: center;">List on 22.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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ORDER SHEET
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Court No.1

O.A. No. 136 of 2020

Ex. Sub. Minhaz Asgar
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>06.09.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">On the case being taken up for hearing Shri Amit Jaiswal, Ld. Counsel for the respondents is present.</p> <p style="text-align:center">Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicant is reported to be ill.</p> <p style="text-align:center">List on 22.11.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align:right">(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

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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Arun Kumar, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>List on 12.11.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Court No.1

O.A. No. 356 of 2020

Ex. Sep. Dhani Ram
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Rejoinder Affidavit filed by the applicant is taken on record. Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Judgment reserved.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 495 of 2021 with M.A. No. 518 of 2021

Ex. Capt. Alok Kumar Gupta
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant is present.</p> <p>The instant Original Application has been filed for grant of disability pension. There is a delay of 28 years and 21 days in filing of Original Application regarding which submission of Ld. Counsel for the applicant is that law of limitation is not applicable in pensionary matter as cause of action in the said case accrues every month. 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 for condonation of delay.</p> <p>Upon hearing submissions of Ld. Counsel for the applicant we find that law of limitation is not applicable in pensionary matter and delay, if any, in filing Original Application is not intentional. Accordingly, delay condonation application is allowed.</p> <p><u>O.A. No. 495 of 2021</u></p> <p>It is a fit case for adjudication. 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 09.11.2021 for exchange of pleadings. List the matter before Tribunal on 30.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 496 of 2021

Ex. Sub. B. Singh Nagarkoti
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Wg. Cdr. SN. Dwivedi (Retd.), Ld. Counsel for the applicant is present.</p> <p style="text-align: center;">The instant Original Application has been filed for the grant of disability pension.</p> <p style="text-align: center;">The matter needs 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 09.11.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 30.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

O.A. No. 497 of 2021 with M.A. No. 521 of 2021

Ex. L/Nk. Ganga 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Shri D.K. Pandey, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The instant Original Application has been filed for the grant of disability pension with delay of 04 months and 13 days regarding which it is submitted that law of limitation is not applicable in pensionary matter and delay, if any, in filing Original Application is not deliberate.</p> <p style="text-align: center;">Upon submissions of Ld. Counsel for the applicant we are of the view that law of limitation is not applicable in pensionary matter and delay, if any, in filing of Original Application is not deliberate. Accordingly, delay condonation application is allowed.</p> <p><u>O.A. No. 497 of 2021</u></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 09.11.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 30.11.2021.</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

O.A. No. 498 of 2021 with M.A. No. 522 of 2021

Ex. Nk. Liyakat Ansari
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>06.09.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Virat Anand Singh, Ld. Counsel for the applicant.</p> <p>The instant Original Application has been filed for the grant of disability pension with delay of 10 months and 21 days regarding which it is submitted that law of limitation is not applicable in pensionary matter and delay, if any, in filing Original Application is not deliberate.</p> <p>Upon hearing submissions of Ld. Counsel for the applicant we are of the view that law of limitation is not applicable in pensionary matter and delay, if any, in filing of Original Application is not deliberate. Accordingly, delay condonation application is allowed.</p> <p><u>O.A. No. 498 of 2021</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">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 style="text-align: center;">List the matter before Registrar on 09.11.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 30.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 501 of 2021 with M.A. No. 524 of 2021

Ex. Hony. Sub. Maj. Chandra Bhushan Tewari
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">It is submitted by Shri Ram Sharan Awasthi, Ld. Counsel for the respondents that he shall file Memo of Appearance in registry today during the course of the day.</p> <p style="text-align: justify;">There is a delay of 03 months and 17 days in filing Original Application which has been filed for the grant of Medical Claim. An application supported with affidavit has been filed for condonation of delay wherein it has been stated that delay in filing of Original Application is not deliberate.</p> <p style="text-align: justify;">We have gone through the facts averred in affidavit filed in support of delay condonation application and we find that cause shown for delay is sufficiently.</p> <p style="text-align: justify;">Accordingly, delay condonation application is allowed.</p> <p><u>O.A. No. 501 of 2021</u></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 09.11.2021 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 30.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 502 of 2021 with M.A. No. 526 of 2021

Ex. Swr. Bihari 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The Original Application has been filed for grant of disability pension with delay of 16 years, 06 months and 16 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. 502 of 2021</u></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 09.11.2021 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 30.11.2021.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(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

O.A. No. 503 of 2021 with M.A. No. 527 of 2021

Ex. Nk. Raghubir 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri R.K.S. Chauhan, Advocate appears on behalf of the applicant and files Memo of Appearance which is taken on record.</p> <p>Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents.</p> <p>There is a delay of 01 year, 08 months and 13 days in filing of Original Application.</p> <p>An application supported with affidavit has been filed wherein it has been stated that delay in filing Original Application is not deliberate.</p> <p>Upon hearing submission of Ld. Counsel of both sides, we find that matter being grant of disability pension the law of limitation is not applicable in it. We further observed that cause shown for delay, if any, is sufficient. Accordingly, delay condonation application is allowed.</p> <p><u>O.A. No. 503 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 09.11.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 30.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 504 of 2021

Ex. Hav. Hari Ram
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Col. Ashok Kumar (Retd) and Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, 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 09.11.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 30.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 106 of 2019 Inre : O.A. No. 275 of 2017

Smt. Seeta Devi [W/o Ex. Cfn. (Late) Ram Bahadur Singh] Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondent Nos. 1 to 5 and Shri Vinay Pandey, Ld. Counsel for the respondent Nos. 6 and 7 (Banks) are present.</p> <p>Shri Sunil Sharma, Ld. Counsel for the respondents informs that P.P.O. has been issued in the matter and he submits that four weeks time be granted to him to bring the P.P.O. on record.</p> <p>Shri Vinay Pandey, Ld. Counsel for the respondent Nos. 6 and 7 (Banks) submits that P.P.O. has been received by the Bank but description roll being not annexed with the P.P.O. the same has been returned.</p> <p>Respondents to bring the P.P.O. on record and clarify why description roll has not been annexed with P.P.O. when it is mandatory within four weeks.</p> <p>Respondents are also directed to deposit cost imposed against them by the next date fixed.</p> <p>List on 26.10.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 558 of 2018

Nk. (Amb. Asst) Ram Prasad Ahirwar
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondent Nos. 1 to 4 are physically present.</p> <p>No one is present on behalf of respondent Nos. 5 to 7 despite notice being served on them. Original Application is ordered to proceed ex parte against them.</p> <p>Pleadings between the applicant and respondent Nos. 1 to 4 have been exchanged.</p> <p>List on 29.10.2021 for final hearing.</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

O.A. No. 416 of 2020

Ex. Lance Nk. Ram Kumar 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>06.09.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>Shri Anurag Mishra, Ld. Counsel for the respondents has put in appearance on behalf of all respondents, however, Counter Affidavit has been filed on behalf of respondent No. 4 only. On a quarry being made why Counter Affidavit has been filed on behalf of only one respondent Shri Anurag Mishra submitted that time be given to him to seek instructions in this regard.</p> <p>Let instructions be sought within two weeks.</p> <p>List on 28.10.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 639 of 2020

Smt. Sonwati W/o Late Ex. Sep. Rabi Narayan 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>06.09.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Pushp Raj Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>During the course of hearing Shri Pushp Raj Singh, Ld. Counsel for the applicant submitted that Original Application may be dismissed being infructuous as liberalized family pension of the applicant has been revived during the pendency of Original Application.</p> <p>In view of fact that Original Application has rendered infructuous due to redressal of applicant’s grievance.</p> <p>Accordingly, Original Application is dismissed being infructuous.</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

O.A. No. 7 of 2021

Ex. Spr. Sikandar 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Gaurav Upadhyay, Advocate holding brief of Shri Manish Misra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit has been filed by the respondents and the same is taken on record.</p> <p>Ld. Counsel for the applicant seeks and is allowed two weeks time to file Rejoinder Affidavit.</p> <p>List on 12.11.2021 for final hearing.</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

O.A. No. 189 of 2021

Ex. Sep. Ram Sarup
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p>Although Counter Affidavit has been filed on behalf of respondents, however, it is submitted by the Ld. Counsel for the respondents that he has received instructions to file a separate Counter Affidavit on behalf of respondent No. 3, therefore, some time be given for the same.</p> <p>Let Counter Affidavit on behalf of respondent No. 3 be filed within three weeks.</p> <p>List on 28.10.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 217 of 2021

Ex. Sep. Manoj Kumar Sejwal
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit has been filed by the respondents and the same is taken on record.</p> <p>No medical document has been filed along with Counter Affidavit.</p> <p>Respondents to file medical documents within two weeks after serving its copy to the Ld. Counsel for the applicant who may file Rejoinder Affidavit, if any, within two weeks next thereafter.</p> <p>List on 29.10.2021 for final hearing.</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

O.A. No. 246 of 2021

Ex. Hav. Uma Shankar Pandey
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>06.09.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Gaurav Upadhyay, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents submitted to grant one week time to file Counter Affidavit which is allowed.</p> <p style="text-align: center;">On Counter Affidavit being filed applicant shall have two weeks to file Rejoinder Affidavit.</p> <p style="text-align: center;">List on 28.10.2021.</p> <table style="width: 100%;"><tr><td style="text-align: center; width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

AKD/-

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

O.A. No. 247 of 2021 with M.A. No. 247 of 2021

Cpl. Amit Kumar
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the applicant submitted that Counter Affidavit in this case could not be filed due to comments being not received to him.</p> <p>JWO R.R. Rai, Departmental Representative, who is present in Court submits that comments will be received in the Office of Legal Cell very soon.</p> <p>Let Counter Affidavit be filed within two weeks failing which opportunity of filing the same shall stand closed.</p> <p>List on 09.11.2021.</p> <p>(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

O.A. No. 264 of 2021 with M.A. No. 268 of 2021

Ex. Sgt. Ashuthosh Misra
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the applicant submitted that Counter Affidavit in this case could not be filed due to comments being not received to him.</p> <p>JWO R.R. Rai, Departmental Representative, who is present in Court submits that comments will be received in the Office of Legal Cell very soon.</p> <p>Let Counter Affidavit be filed within two weeks failing which opportunity of filing the same shall stand closed.</p> <p>List on 09.11.2021.</p> <p>(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

O.A. No. 265 of 2021

Ex. Sgt. Ravindra Nath 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ashish Kumar Singh, Ld. Counsel for the respondents is present and he submits that he has received parawise comments on 01.09.2021. He further submits that two weeks time be granted to file Counter Affidavit which is allowed.</p> <p style="text-align: center;">List on 06.10.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 312 of 2021

Lt. Col. Mukesh Baboo
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Satendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Agnihotri, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit has been filed by the respondents and the same is taken on record.</p> <p>Copy of Counter Affidavit has not been received by the Ld. Counsel for the applicant, as he said.</p> <p>Let copy be given to the Ld. Counsel for the applicant by today itself, who may file Rejoinder Affidavit within a week.</p> <p>List on 17.09.2021.</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

O.A. No. 365 of 2021 with M.A. No. 368 of 2021

Ex. Sep./ASH Balbir 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Objection to delay condonation application filed by the respondents and reply thereon filed by the applicant are taken on record.</p> <p>Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>There is a delay of 10 years, 11 months and 29 days in filing of Original Application regarding which submission of Ld. Counsel for the applicant is that wife of the applicant had lodged a false complaint against the applicant with regard to dowry harassment and plural marriage which proceeded in the Court of Magistrate till 2013 when the applicant was acquitted from all the charges. He has further submitted that applicant being a rustic villager person was not aware about his right to get pension after being acquitted from the offences, therefore, he could not approach the Tribunal earlier. Thus, he has submitted that delay in filing of Original Application is not deliberate, but due to the reasons stated above.</p> <p>In regard to above, the submission of Ld. Counsel for the respondents is that no sufficient explanation of delay has been given by the applicant why applicant could not approach the Tribunal earlier despite being discharged in the year 2008. His further submission is that if there is a provision in statute to file an application within a given time and it is not filed within that time, the applicant has to explain delay on day to day basis which in the present case has not been done. Therefore, delay condonation application deserves to be dismissed.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that cause shown for the delay in filing of Original Application is not deliberate rather cause shown for delay is sufficient. Therefore, we condone the delay. The delay condonation application stands allowed accordingly.</p> <p><u>O.A. No. 365 of 2021</u></p> <p>The matter needs adjudication.</p> <p>Admit.</p> <p>Respondents to file Counter Affidavit within four weeks. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter.</p> <p>List the matter before Registrar on 09.11.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 30.11.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. (A) No. 205 of 2021

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

Appellant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the Appellant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that he has received parawise comments from the respondents and he shall be filing counter affidavit within two weeks.</p> <p>Let counter affidavit be filed within two weeks after serving copy to learned counsel for the applicant who may file rejoinder affidavit, if any, within two weeks next.</p> <p style="text-align: center;">List on 09.11.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 28 of 2017

Smt Rajesh Tyagi 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Dinesh Kumar, Ld. Counsel for the petitioner and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">During the course of hearing Shri Dinesh Kumar, learned counsel for the applicant submits that amendment could not be incorporated in the pleadings due to his personal problems. He further submits that he be permitted to carry out amendment during the course of the day, which is allowed. He also submits that two weeks time be granted to file rejoinder affidavit, which is allowed.</p> <p style="text-align: justify;">It is made clear that in case rejoinder affidavit is not filed within the stipulated period, opportunity to file the same shall be closed.</p> <p style="text-align: center;">List on 29.10.2021.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; padding-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <p style="text-align: left; margin-left: 5px;">rathore</p>

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

M. A. of 485 of 2021 Inre M.A. No. 1849 of 2018
Inre O.A. No. (Nil) of 2018

Ex Sep Raj Kumar
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri AK Singh, Ld. Counsel for the applicant and Maj Tarun, Departmental Representative for the respondents.</p> <p>The case is listed for hearing on 01.11.2021.</p> <p><u>M. A. of 485 of 2021</u></p> <p>No early hearing is possible in the matter, therefore, application made in this regard is rejected.</p> <p><u>M.A. No. 1849 of 2018</u></p> <p>List on 01.11.2021 for hearing.</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

M.A. No 519 of 2021 Inre O.A. No. 782 of 2020

Col Soumen Kar (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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri KK Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>M.A. No 519 of 2021</u> No early hearing is possible in the matter, therefore, application made in this regard is rejected.</p> <p><u>O.A. No. 782 of 2020</u> List on 21.09.2021 for hearing.</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

O.A. No. 47 of 2016

Akhilesh Kumar
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Satendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>During the course of hearing Shri Satendra Kumar Singh, learned counsel for the applicant while drawing our attention to Bench order dated 10.08.2016 submitted that discharge order has not yet been brought on record despite there being specific direction in this regard.</p> <p>In regard to above, Maj Tarun, Departmental Representative of the respondents submitted that copy of discharge order has been furnished to applicant which was strongly opposed by learned counsel for the applicant stating no such copy has been received.</p> <p>Respondents have also not brought original documents wherefore hearing in the case is not possible today.</p> <p>Respondents to bring discharge order on record by the next date fixed and to explain why it could not be brought earlier despite being ordered in this regard in the year 2016.</p> <p>List the matter for final hearing on 29.10.2021 on which date respondents shall bring original documents for perusal of the Bench.</p> <p>Let copy of this order be provided to learned counsel for the respondents free of cost today.</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

Ex-A. No. 158 of 2017 with M.A. No. 910 of 2018 Inre T.A. No. 65 of 2016

Sanjay Singh
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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Col RC Dixit (Retd), Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>An affidavit has been filed by the respondents, which is taken on record.</p> <p>Order is 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

O.A. No. 232 of 2010

Jagdish 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri SK Singh, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant submits that in regard to non compliance of the order dated 02.12.2010 passed by this Tribunal a detailed order was passed on 07.09.2015 directing Chief of the Army Staff to hold inquiry against erring officials. He further submits that respondents have filed a Writ Petition against this order in the Hon'ble High Court of Allahabad at Lucknow Bench wherein proceedings of the O.A. have been stayed. Copy of this order has not been filed on record.</p> <p>Let copy of it be filed and placed on record.</p> <p>List on 28.10.2021 for hearing.</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

O.A. No. 266 of 2011

Chand Pati
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>06.09.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing no one is present on behalf of the applicant and respondent No 5 (Smt Sadhna).</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent No 1 to 3 is present.</p> <p>Heard arguments of learned counsel for the respondents.</p> <p>O.A. is dismissed.</p> <p>For orders, see judgment passed on separate sheets.</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

O.A. No. 301 of 2012

Padam Bahadur Gurung & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicants and Mrs. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>It is informed by learned counsel for the applicant that similar matter is pending for adjudication in the Hon'ble Apex Court.</p> <p>In view of the above, list on 30.11.2021 for hearing.</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

O.A. No. 208 of 2014

Pravind 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 10.11.2021 for hearing.</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**

O.A. No. 256 of 2016

Ajay 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>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Mukesh Kumar, Advocate holding brief for Shri SS Rajawat, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Shri Mukesh Kumar, Advocate holding brief for Shri SS Rajawat, learned counsel for the applicant seeks adjournment on the ground of sickness of Shri SS Rajawat.</p> <p>Shri Amit Jaiswal, learned counsel for the respondents has no objection.</p> <p>List on 11.11.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

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

O.A. No. 226 of 2015 with M.A. No. 1796 of 2018

Col S.K. Tiwari (Retd) By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Maj R.D. Singh (Retd), learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), 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>SB</p>

