

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A. No. 788 of 2021 with M.A. No. 937 of 2021

Ex. Sep. Amol Kumar Sukhdev Bhalerao
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>06.12.2021</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>Memo of Appearance filed by Shri G.S.Sikarwar, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Nand Kishore, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p>The instant Original Application has been filed against the order dated 20.04.2017 of respondent No. 3 by which applicant has been dismissed from service.</p> <p>There is a delay of 02 years, 04 months and 24 days in filing of Original Application regarding which applicant has moved an application for condonation of delay which is supported with affidavit also.</p> <p>It is submitted by the Ld. Counsel for the applicant that delay in filing of Original Application is not intentional, but for the reasons stated in affidavit.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that delay has not been properly and satisfactorily explained as applicant has deserted in the year 2006 and was dismissed from service in the year 2017.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case and going through the facts averred in affidavit, it seem be to be true, the delay is liable to be condoned.</p> <p>Accordingly, delay is condoned. Delay condonation application stands decided accordingly.</p> <p>The submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate, but on account of facts stated in affidavit filed in support of application.</p> <p><u>O.A. No. 788 of 2021</u></p> <p>The matter needs 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 17.01.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 16.03.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 938 of 2021 Inre : O.A. No. 387 of 2020

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Hav. Bir Bahadur Singh
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>06.12.2021</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. Gyan Singh, Ld. Counsel for the applicants – Union of India & Others.</p> <p style="text-align: center;">For the reasons stated in affidavit filed in support of correction application, correction application is allowed.</p> <p style="text-align: center;">In the order dated 16.09.2021 the name of applicant be corrected as 'Ex Hav Bir Bhadur Singh' in place of 'Ex Hav Bir Bahadur Singh'.</p> <p style="text-align: center;">The Original Application be also corrected accordingly.</p> <p style="text-align: center;">Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days.</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>

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ORDER SHEET
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Court No.1

T.A. No. 8 of 2021 Inre : O.A. No. 2055 of 2021

Col. Shiv Balak Singh (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>06.12.2021</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 Rudra Pratap Singh, Advocate appeared on behalf of the applicant and filed Vakalatnama which is taken on record.</p> <p>Shri Asheesh Agnihotri, Advocate appeared on behalf of the respondents and filed Memo of Appearance which is taken on record.</p> <p>Ld. Counsel for the respondents submitted that since the matter has been received by transfer from Armed Forces Tribunal, Principal Bench, New Delhi and he is not in receipt of paper-book, therefore, a direction be issued to the applicant to furnish a copy of paper-book so that Counter Affidavit may be filed in the matter.</p> <p>Applicant is directed to furnish a copy of paper-book to the Ld. Counsel for the respondents by today itself.</p> <p>Upon receipt of copy, the respondents will have four weeks time to file Counter Affidavit.</p> <p>List on 17.01.2022.</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>

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Court No.1

Ex. A. No. 38 of 2019 Inre : T.A. No. 513 of 2010

Ex. Swr. Satendra 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>06.12.2021</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 Col. B.P. Singh (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that four weeks further time be granted to file affidavit of compliance which is allowed.</p> <p style="text-align: center;">List on 17.01.2022.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 20px;">AKD/-</p>	(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)		

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Court No.1

Ex. A. No. 100 of 2019 Inre : O.A. No. 144 of 2016

Sgt. Rajendra Prasad Pal (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>06.12.2021</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 Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>It is submitted by Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents that generation of P.P.O. is under process, therefore, three weeks further time be granted which is allowed and it is clarified that if the P.P.O. is not generated within the time given, the respondents shall be liable to pay Rs.10,000/- as cost to the applicant.</p> <p style="text-align: center;">List on 13.01.2022.</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>

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Ex. A. No. 44 of 2021 Inre : O.A. No. 493 of 2019

Ex. Sep. Pradip 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>06.12.2021</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 Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that since the matter is under active consideration in Defence Security Corps (DSC) Directorate, three weeks further time be granted to make compliance of the order which is allowed and it is clarified that if the order is not complied within the time given, the respondents shall be liable to pay Rs.10,000/- as cost to the applicant.</p> <p style="text-align: center;">List on 11.01.2022.</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>

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ORDER SHEET
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M.A. No. 746 of 2021 with M.A. No.747 and 749 of 2021
M.A. No. 1770 of 2016
Inre O.A. No.(Nil) of 2016

Amar 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>06.12.2021</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 Santosh Singh, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>Objection to delay condonation application filed by the respondents is taken on record.</p> <p>Applicant, who is the wife of original applicant Amar Bahadur Singh, has filed this application to recall the order dated 24.11.2020 passed in M.A. No. 1770 of 2016 inre O.A. (Nil) of 2016 by which delay condonation application and O.A. have been dismissed in default.</p> <p>It is submitted that original applicant Amar Bahadur Singh had filed M.A. No. 1770 of 2016 inre O.A. (Nil) of 2016 against order dated 03.04.1999 passed by the respondents by which he had been dismissed from service. It is further submitted that the said Amar Bahadur Singh died on 16.05.2017 due to cancer. It is further submitted that applicant being not aware about the proceedings pending in this Tribunal, she could pursue the case filed by her husband after being substituted and the same was dismissed in default. It is further submitted that delay in filing recall application is not deliberate but for the reasons stated above, therefore the same be condoned and recall application be allowed.</p> <p>In reply, learned counsel for the respondents submitted that original applicant being died in the mid 2017 and no sufficient explanation being given from the side of the applicant for pursuing the case by bringing substitution application within 90 days from the date of death of original applicant, the recall application should be rejected.</p>

We have gone through the facts and circumstances of the case and also that original applicant died during pendency of O.A. and present applicant being not well versed with proceedings pending in this Tribunal, did not pursue the case, delay in recall application is liable to be condoned.

Accordingly, delay in filing recall application is condoned and recall application is allowed.

M.A. No. 1770 of 2016 inre O.A. (Nil) of 2016 are restored to its original number.

M.A. No. 1770 of 2016 Inre O.A. No.(Nil) of 2016

List on **21.01.2022**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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