O.A. No. 75 of 2021

Ex. Hav. Rajendra Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>06.12.2021</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	<u> </u>
	On the case being taken up for hearing no one is present on behalf of
	the applicant.
	Counter Affidavit filed by the respondents is taken on record.
	Heard Shri Yogesh Kesarwani, Ld. Counsel for the respondents.
	Original Application is dismissed on merit.
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 782 of 2021 with M.A. No. 929 of 2021

Ex. GDSM Sangram Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Ram Sharan Awasthi, Advocate on
	behalf of the respondents is taken on record.
	Heard Shri Dwijendra Nath Pandey, Ld. Counsel for the applicant and
	Shri Ram Sharan Awasthi, Ld. Counsel for the respondents.
	As per office note, there is no delay in filing Original Application,
	however, an application for condonation of delay has been moved which being
	not required is dismissed .
	It is a fit case for adjudication.
	Admit.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two
	weeks thereafter.
	List the matter before Registrar on 14.01.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 15.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 784 of 2021 with M.A. No. 935 of 2021

Ex. Sep. Nar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry

Notes of Orders of the Tribunal

06.12.2021

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

Memo of Appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record.

Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.

The Original Application has been filed with delay of 12 years, 04 months and 13 days.

Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.

Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.

Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.

Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.

O.A. No. 784 of 2021

The matter needs adjudication.

Admit.

The applicant has filed this Original Application seeking grant of second service pension for the services rendered in Defence Security Corps (DSC) on the premise that shortfall of 44 days in pensionable service (15 years) be condoned in view of Government of India, Ministry of Defence letter dated 14.08.2001.

The Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instructions in the matter.

List on 07.01.2022.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

AKD/-

O.A. No. 785 of 2021 with M.A. No. 936 of 2021

Ex. Sub. (Nur. Tech.) Dhanabalan R.

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal F	By Legal Practitioner for Respondents	
Notes of the Registry	Orders of the Tribunal	
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record.	
	Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.	
	It is submitted by the Ld. Counsel for the applicant that delay of 13 years, 07 months and 21 days is not intentional, but for the reasons stated in affidavit filed in	
	support of delay condonation application. The Ld. Counsel for the respondents has vehemently opposed the prayer	
	and has submitted that there being a delay of more than 13 years and the same being not properly and satisfactorily explained respondents be allowed to file objection.	
	Having heard submissions of Ld. Counsel of both sides and considering that matter pertains to grant of pay and allowances and the delay in filing Original	
	Application is not deliberate, but for the reasons given in affidavit, the delay is liable to be condoned. Accordingly, delay is condoned .	
	Delay condonation application stands allowed accordingly. O.A. No. 785 of 2021	
	Points raised in Original Application, need consideration, therefore, Original Application is admitted for hearing.	
	It is submitted by the Ld. Counsel for the applicant that case is squarely covered with the Judgments of this Bench as well as other Benches of the Armed	
	Forces Tribunal. He has annexed the copies of Judgments along with the Original Application.	
	Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instructions in the matter.	

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A)

List on **07.01.2022**.

Member (J)

AKD/-

O.A. No. 786 of 2021

HFO Arun Prasad Lal (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	<u>06.12.2021</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of
	the respondents is taken on record.
	Heard Shri Rang Nath Pandey and Shri Rahul Pandey, Ld. Counsel
	for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.
	The matter needs adjudication.
	Admit.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two
	weeks thereafter.
	List the matter before Registrar on 14.01.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 15.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 787 of 2021

Smt. Lekh Maya Gurung W/o Maj P.B. Gurung By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Ramesh Chandra Shukla,
	Advocate on behalf of the respondent Nos. 1 to 3 is taken on record.
	Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Shri
	Ramesh Chandra Shukla, Ld. Counsel for the respondent Nos. 1 to 3.
	The matter needs adjudication.
	Admit.
	Ld. Counsel for the respondent Nos. 1 to 3 seeks and is allowed four
	weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed
	within two weeks thereafter.
	Issue notice to respondent Nos. 4 and 5 returnable within four weeks.
	Steps for notice be taken within a week.
	List the matter before Registrar on 14.01.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 15.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

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

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

O.A. No. 788 of 2021 with M.A. No. 937 of 2021

Ex. Sep. Amol Kumar Sukhdev Bhalerao

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Pr	actitioner for Respondents
Notes of	Orders of the Tribunal

06.12.2021

the Registry

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

Memo of Appearance filed by Shri G.S.Sikarwar, Advocate on behalf of the respondents is taken on record.

Heard Shri Nand Kishore, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.

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.

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.

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.

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.

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.

Accordingly, delay is **condoned.** Delay condonation application stands decided accordingly.

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.

O.A. No. 788 of 2021

The matter needs adjudication.

Admit.

Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.

List the matter before Registrar on 17.01.2022 for exchange of pleadings.

List the matter before Tribunal on 16.03.2022.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)

Member (A) Member (J)

AKD/-

O.A. No. 795 of 2021 with M.A. No. 944 of 2021

Ms. Pushpa Rani D/o Late Roshan Lal

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing no one is present on behalf of
	the applicant to press the application.
	Dr. Shailendra Sharma Atal, Advocate appeared on behalf of the
	respondents and filed Memo of Appearance which is taken on record.
	The Ld. Counsel for the respondents submits that applicant's father
	being discharged in 1946 and present Original Application being filed after 75
	years of his discharge, respondents need to file objection against delay
	condonation application.
	Let objection be filed within two weeks.
	List on 13.01.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 100 of 2021 Inre: O.A. No. 104 of 2021

Ex. Nb. Sub. Shiv Shanker Chaubey

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing no one is present on behalf of
	the applicant.
	Shri Ramesh Chandra Shukla, Advocate appeared on behalf of the
	respondents and filed Memo of Appearance which is taken on record.
	It is a fresh Execution Application.
	Ld. Counsel for the respondents seeks and is allowed three weeks
	time to seek instructions in the matter.
	List on 10.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

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

Union of India & Others

Applicants

By Legal Practitioner for the Applicants

Versus

Ex. Hav. Bir Bahadur Singh

Respondent

Notes of	Orders of the Tribunal
the	
Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India
	& Others.
	For the reasons stated in affidavit filed in support of correction
	application, correction application is allowed.
	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'.
	The Original Application be also corrected accordingly.
	Let copy of this order be provided to the Ld. Counsel for the
	respondents/AFT Legal Cell within two days.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

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

Applicant

Col. Shiv Balak Singh (Retd.)
By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Rudra Pratap Singh,
	Advocate appeared on behalf of the applicant and filed Vakalatnama which is
	taken on record.
	Shri Asheesh Agnihotri, Advocate appeared on behalf of the
	respondents and filed Memo of Appearance which is taken on record.
	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.
	Applicant is directed to furnish a copy of paper-book to the Ld.
	Counsel for the respondents by today itself.
	Upon receipt of copy, the respondents will have four weeks time to file
	Counter Affidavit.
	List on 17.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Diary No. 2145 of 2021 Along with Diary No. 1747 of 2021

Ex. Sgt. Vikram Prasad

Applicant

In person

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	<u>06.12.2021</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing the applicant Ex. Sgt. Vikram
	Prasad in person and Shri D.K. Pandey, Ld. Counsel for the respondents are
	present.
	Defects have been removed.
	Let Original Application be registered.
	O.A. No. 800 of 2021
	Points raised in Original Application need consideration.
	Admit.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two
	weeks thereafter.
	List the matter before Registrar on 18.01.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 15.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

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

Ex. Swr. Satendra Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Col. B.P. Singh (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. 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. List on 17.01.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex. A. No. 56 of 2019 Inre : O.A. No. 239 of 2012

Hav./Clk. Ram Roop Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing no one is present on behalf of
	the applicant.
	Heard Shri Asheesh Agnihotri, Ld. Counsel for the respondents.
	It is submitted by the Ld. Counsel for the respondents that necessary
	formalities being not completed by the applicant, the P.P.O. could not be
	generated. It is further submitted to issue direction to the applicant to complete
	necessary formalities so that compliance may be done.
	Applicant is directed to complete the formalities within three weeks
	from today failing which it shall be presumed as if he does not wish to get
	implementation of the order and Execution Application may be disposed off.
	List on 12.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

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

Sgt. Rajendra Prasad Pal (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Shailendra Kumar Singh,
	Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for
	the respondents are present. 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.
	List on 13.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 42 of 2021 Inre: O.A. No. 151 of 2017

Manish Shukla Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri S.N. Gaherwar , Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents, three weeks further time is granted to file affidavit of compliance. List on 14.01.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

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

Ex. Sep. Pradip Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Shailendra Kumar Singh,
	Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the
	respondents are present.
	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.
	List on 11.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 555 of 2021 with M.A. No. 594 of 2021

Ex. Gnr. Manish Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

(Justice Umesh Chandra Srivastava)

Member (J)

By Legal Practitioner for Respondents

Notes of	Orders of the Tribunal
the Registry	
	<u>06.12.2021</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Objection against delay condonation application filed by the respondents is taken on
	record.
	Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Rajiv
	Pandey, Ld. Counsel for the respondents.
	Instant Original Application has been filed under Section 14 of the Armed Forces
	Tribunal Act, 2007 to set aside the order dated 22.11.2013 by which applicant has been
	dismissed from service being deserter with effect from 20.10.2013 and prayed for direction to
	the respondents to notionally reinstate him with all consequential benefit from the date of
	desertion i.e. 17.05.2003.
	There is a delay of 16 years, 03 months and 27 days in filing Original Application.
	Submission of Ld. Counsel for the applicant is that delay in filing Original Application
	is not deliberate. His further submission is that after order of dismissal being passed against
	applicant the applicant could not approach the Tribunal from October, 2003 to July, 2020 as he
	was suffering from jaundice. The applicant had also look after his ailing parents besides
	earning his livelihood. The applicant preferred an application dated 27.07.2020 under Right to
	Information Act and sought the documents mentioned therein. Thereafter, the applicant came
	to know that he was dismissed from service with effect from 20.10.2013 after completion of
	desertion period. Thus, respondents' inaction in not informing the applicant about dismissal in
	2013 also contributes in delay in filing the instant Original Application. Thus, his submission is
	that delay is not deliberate, but for the reasons stated above.
	Ld. Counsel for the respondents has vehemently opposed the prayer and has
	submitted that long delay of more than 16 years has not been properly and satisfactorily
	explained.
	Having heard the submissions of Ld. Counsel of both sides and considering the
	facts and circumstances of the case, we find that explanation offered by the applicant for delay
	in filing Original Application is not sufficient. It is settled in law that if 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 in the present case.
	In the result, we find that delay is not condonable.
	Accordingly, delay condonation application is rejected .
	Original Application being time barred is also rejected .

(Vice Admiral Abhay Raghunath Karve)

Member (A)

AKD/-

Ex-A/47 of 2021 Inre O.A. 426 of 2018

Ex Hav Gurusaran Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. On submission made by learned counsel for the respondents that affidavit of compliance shall be filed by tomorrow, let the case be listed for hearing on 08.12.2021 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex-A/50 of 2021 Inre O.A. 92 of 2019

Applicant

Ex Nk Ajit Kumar SarmahBy Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Parijaat Belaura, Ld.
	Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the
	respondents are present.
	It is submitted by learned counsel for the respondents that in compliance
	of order of this Tribunal PPO has been generated and copy has been
	forwarded to the applicant also.
	Copy of PPO has been shown to us for our perusal. On perusal we find
	that it is in terms of order under execution and the order under execution
	seems to have been complied with.
	Learned counsel for the applicant has not raised any objection.
	Accordingly, the execution application is dismissed in full and final
	satisfaction.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

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.(NiI) of 2016

Amar Bahadur Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

	India & Others Respondents Practitioner for Respondents
Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Santosh Singh, Ld. Counsel
	for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.
	Objection to delay condonation application filed by the respondents is taken on record.
	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.
	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.
	In reply, learned counsel for the respondents submitted that original
	applicant being died in the mid 2017 and no sufficient explanation being given

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.

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)

rathore

O.A. No. 479 of 2021

Applicant

Ex Hav Uday Pratap SinghBy Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	Orders of the Tribulial
Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel
	for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are
	present.
	As prayed by learned counsel for the respondents four weeks further
	time is allowed to file counter affidavit.
	It is clarified that if counter affidavit is not filed within the given time, the
	opportunity to file the same shall be closed without any reference.
	List on 07.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 488 of 2021

Smt. Dilmani W/o Late Nk Mohd Saheed

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	Orders of the Tribulial
Registry	
Registry	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri R Chandra, Ld. Counsel for
	the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents
	are present.
	As prayed by learned counsel for the respondents four weeks further
	time is allowed to file counter affidavit.
	It is clarified that if counter affidavit is not filed within the given time, the
	opportunity to file the same shall be closed without any reference.
	List on 08.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 489 of 2021

Ex Sqn Ldr Mahendra Pal Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri SN Singh Gaherwar and
	Shri Ajit Singh Gaherwar, Ld. Counsel for the applicant and Ms. Appoli
	Srivastava, Ld. Counsel for the respondents are present.
	As prayed by learned counsel for the respondents two weeks time is
	allowed to file counter affidavit.
	List on 20.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 141 of 2012

Smt. Rekha Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	Orders of the Tribunal
Registry	
i togica y	
	06.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Nishant Verma, Ld.
	Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the
	respondents are present.
	List on 24.01.2022 for hearing.
	On the date fixed, learned counsel for the respondents shall produce
	original documents pertaining to the case for perusal of the Bench.
	Let copy of this order be supplied to learned counsel for the
	respondents.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 241 of 2015

Arjun Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri R Chandra, Advocate holding brief for Shri Yashpal Singh, Ld. Counsel for the applicant and Mrs. Deepti P Bajpai, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing.
	List on 03.02.2022 . On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 582 of 2019

Smt. Kalindi Devi

W/o Late Ex Gdsm Manoj Kumar Chaturvedi By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri PK Shukla, Advocate holding brief for Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. As prayed by Shri PK Shukla, Advocate, list on 07.12.2021 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 311 of 2020

Smt. Prabhawati Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri PK Shukla, Advocate holding brief for Shri BB Tripathi and Shri Amit Verma, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, learned counsel for respondent No 1-3 and Shri Gaurav Gunjan, learned counsel for respondent No 4-5, are present. On the request of Shri Gaurav Gunjan, learned counsel for respondent No 4-5 two weeks further time is granted to file affidavit of compliance. List on 04.01.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 233 of 2021

Ex Rect Nikil Singh Tomar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Parijaat Belaura, Advocate
	holding brief for Shri Virat Anand Singh and Shri Pankaj Kumar Shukla, Ld.
	Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	List on 10.03.2022 .
	In the meantime rejoinder affidavit may be filed. It is clarified that no
	further time will be allowed to file rejoinder affidavit.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 339 of 2021

Ex Sigmn Dinesh Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents two weeks further time is allowed as a last chance to file counter affidavit. List on 10.01.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

T.A. No. 1061 of 2010 with M.A. No.674 of 2021

R N Mishra Petitioner

By Legal Practitioner for the Petitioner

Versus

Chief of Air Staff & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	06.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Ms. Nisha Pandey, Ld. Counsel for the petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. It is submitted by learned counsel for the respondents that he has not received copy of amended T.A. Let copy of amended T.A. be provided to learned counsel for the respondents by today. List on 16.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)