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

O.A. No. 371 of 2021

Ex. Hav. Anoop Kumar Pandey 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri Ashok Kumar, Advocate holding brief of Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents. Original Application is **allowed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 349 of 2021

Ex. Sep. Ajay Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. Original Application is **partly allowed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. N. 789 of 2021 with M.A. No. 933 of 2021

Ex. Nk. Atma Ram Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri D.K. Pandey, Advocate on behalf of the respondents is taken on record. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 06 years, 11 months and 25 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. 789 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **20.01.2022** for exchange of pleadings. List the matter before Tribunal on **21.03.2022.** **(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. 790 of 2021

Vijay Singh Sikarwar 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, 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. Thereafter, Rejoinder Affidavit, if any, may be filed within two weeks. List the matter before Registrar on **20.01.2022** for exchange of pleadings. List the matter before Tribunal on **21.03.2022**. **(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. 801 of 2021 with M.A. No. 948 of 2021

Hony. Nb. Sub. Vinod Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. Heard Shri V.P. Pandey and Shri Rajesh Kumar Pundir, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents. The Original Application has been filed with delay of 23 years, 09 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. 801 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **20.01.2022** for exchange of pleadings. List the matter before Tribunal on **21.03..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. 802 of 2021 with M.A. No. 949 of 2021

Col. Rajiv Kacker (Retd.) 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record. Heard Shri S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, 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 **20.01.2022** for exchange of pleadings. List the matter before Tribunal on **21.03.2022.** **(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. 803 of 2021

Hav. Ram Yash Pal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Prerna Singh, Advocate on behalf of the respondents is taken on record. Heard Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents. Applicant has filed this Original Application against the order by which he has been summarily tried under Section 80 of the Army Act and punished with severe reprimand. The submission of Ld. Counsel for the respondents is that by means of instant Original Application the applicant has challenged the order of severe reprimand (punishment) awarded in Summary Trial. His further submission is that the order of severe reprimand passed in Summary Trial being not covered in "service matters" in Section 3(o) of the Armed Forces Tribunal Act, 2007, the same is not cognizable by Armed Forces Tribunal. For this, he has placed reliance on the Judgment of Armed Forces Tribunal, Principal Bench, New Delhi in Original Application No. 665 of 2020, ***Dfr. Shatrughan Singh Tomar Vs. Union of India and Others***, decided on 07.04.2021. In reply, the submission of Ld. Counsel for the applicant is that order of severe reprimand is cognizable by the Armed Forces Tribunal. We have gone through the order passed in Summary Trial by which applicant has been punished with severe reprimand as well as the order of Armed Forces Tribunal, Principal Bench, New Delhi in Original Application No. 665 of 2020, decided on 07.04.2021. We have also gone through the definition of "service matter" as laid down in Section 3(o) of the Armed Forces Tribunal Act, 2007 and we find that punishment of severe reprimand awarded in Summary Trial is excluded from the ambit of "service matters" and relying upon the same Armed Forces Tribunal, Principal Bench, New Delhi has held that such order is not cognizable by the Armed Forces Tribunal.

	Considering the facts and circumstances of the case, we are of the view that order of severe reprimand awarded in Summary Trial being not covered under definition of “service matter” as given in Section 3(o) of the Armed Forces Tribunal Act, 2007, the same is not cognizable by Armed Forces Tribunal as held by the Armed Forces Tribunal, Principal Bench, New Delhi. Therefore, the present Original Application being filed against the order of severe reprimand awarded in Summary Trial being not cognizable by the Armed Forces Tribunal is liable to be dismissed. Accordingly, Original Application is dismissed being not cognizable by Armed Forces Tribunal. **(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. 804 of 2021 with M.A. No. 951 of 2021

Ex. Sep. Sep. Radhey Shyam Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. There is a delay of 22 years, 06 months and 22 days (8232 days) in filing Original Application regarding which applicant has moved an application for condonation of delay which is supported with an affidavit also. In affidavit, the applicant has stated that being a simpleton and not being High School qualified, he was not given proper opportunity to represent himself properly with the assistance of a civil Counsel and therefore the application for redressal of grievance could not be filed in Court on time. It is submitted by the Ld. Counsel for the applicant that delay in filing Original Application being not intentional, but for the reasons stated in affidavit, the same should be condoned. Per contra, Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that there being delay of more than 22 years and the same being not explained on day to day basis is not liable to be condoned. He has thus submitted that delay condonation application be dismissed. We have gone through the reasons given in affidavit filed in support of delay condonation application and we find that applicant has not assigned any cogent and reliable reasons why applicant could not approach the appropriate forum for the redressal of his grievance. We are also of the view that if time limit is given for filing an application or suit, the same should be filed in given time and if the same is not filed within that time limit, applicant is supposed to offer explanation on day to day basis which applicant has completely failed in present case and looking to that delay in filing Original Application is not contonable. Accordingly, delay condonation application is **rejected**. Original Application being time barred is also **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A. No. 805 of 2021 with M.A. No. 952 of 2021

Smt. Hema Rani 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Arvind Kumar Pandey, Advocate on behalf of the respondents is taken on record. Heard Shri V.P. Pandey and Shri Rajesh Kumar Pundir, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents. The Original Application has been filed with delay of 23 years, 08 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. 805 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **21.01.2022** for exchange of pleadings. List the matter before Tribunal on **22.03.2022.** **(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. 806 of 2021

Sep./MT Sadunupalli Ramu 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Namit Sharma Advocate on behalf of the respondents is taken on record. Heard Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. Applicant has filed this Original Application seeking direction to respondents to decide the Statutory Appeal dated 10.03.2021 regarding which his promotion to the rank of Naik post on his actual seniority list. It is submitted that respondents have not yet decided the Statutory Appeal even after expiry of six months. In regard to above, the Ld. Counsel for the respondents submits that two weeks time be given to him to seek instruction regarding status of Statutory Appeal which is allowed. Let instructions be sought within two weeks. List on **12.01.2022**. **(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. 807 of 2021 with M.A. No. 953 of 2021

Ex. Sigmn. Gajendra 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. Heard Shri V.K. Chahar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 06 years, 02 months and 01 day. 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. 807 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List on **23.03.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 103 of 2021 Inre : O.A. No. 420 of 2019

Nk/Clk (SD) Mukesh Kumar Hans 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri D.K. Pandey, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Dharmendra Awasthi, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. The applicant has filed this Execution Application for implementation of order dated 22.07.2021 passed in Original Application No. 420 of 2019 by which respondents had been directed to decide the representation preferred by the applicant by a reasoned and speaking order within a period of three months from the date of production of certified copy of the order. It is submitted that respondents have been communicated with the order on 27.07.2021, but they have not yet decided the same. In regard to above, the Ld. Counsel for the respondents seeks and is allowed two weeks time to seek instructions. List on **20.01.2022**. **(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

Ex. A. No. 56 of 2018 Inre : O.A. No. 303 of 2016

Suman Mehrota Sister of Late Rajiv Tondon 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Regarding compliance of the order, submission of Ld. Counsel for the respondents is that in view of P.P.O. dated 07.10.2018 issued in compliance of the order dated 21.09.2017 in Original Application No. 303 of 2016, disability pension for a period of two years has been paid. His further submission is that R.S.M.B. of the applicant has been held on 25.04.2019 in which he has been found suffering with disability @60% for life. Thus, his submission is that directions issued have been complied with, therefore, Execution Application should be dismissed being infructuous. In reply, Ld. Counsel for the applicant submits that order under execution has not been complied with as neither disability pension for a period of two years, as directed in the order, has been paid nor in compliance of R.S.M.B. held on 25.04.2019 fresh P.P.O. has been issued. He further submits that original applicant died on 13.11.2019 and applicant being his real sister and being a legal heir being completely depending upon him is entitled to disability pension payable to him (original applicant) till his death and thereafter family pension. During the course of hearing a query was raised to the Ld. Counsel for the applicant how applicant is the legal heir of the original applicant, and if she has succeeded to his estate, the Ld. Counsel for the applicant sought and allowed two weeks time to apprise the Tribunal in this regard. As regards payment of disability pension for a period of two years, applicant is directed to produce updated copy of passbook of the original applicant for perusal of the Bench. List on **25.02.2022**. **(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

Ex. A. No. 192 of 2018 Inre : T.A. No. 388 of 2010

Brijesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **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 Ashok Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. It is submitted by the Ld. Counsel for the respondents that regarding compliance of the order under execution Government Sanction has been accorded and cost has been deposited. It is further submitted to grant three weeks time to file affidavit of compliance which is allowed. List on **13.01.2022**. **(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

Ex. A. No. 12 of 2021 Inre : O.A. No. 553 of 2019

Ex. JWO Bagish Kumar Bajpai 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
	09.12.2021 **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 Shri Shyam Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents sought and allowed three weeks further time to make complete compliance of the order under execution including compliance of R.S.M.B. List on **12.01.2022**. **(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

Ex. A. No. 27 of 2021 Inre : O.A. No. 41 of 2021

Ex. Nb. Sub. Chandra Bali 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
	09.12.2021 **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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. In regard to compliance, submission of Ld. Counsel for the respondents is that Government Sanction regarding payment of disability pension for a period of two years has been accorded. It is further submitted that R.S.M.B. has also been held on 24.11.2021 and that four weeks further time be granted to file affidavit of compliance which is allowed. List on **20.01.2022**. **(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. 37 of 2021

Uma Kant Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **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 K.K. Misra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Supplementary Affidavit filed by the respondents is taken on record. It is submitted by the Ld. Counsel for the applicant that applicant want to file reply to the supplementary affidavit which is allowed. Let reply to supplementary affidavit be filed within two weeks. List on **06.01.2022**. **(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. 420 of 2021

Ex. Sub. Rajiv Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents. Original Application is **partly allowed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 343 of 2020

Hony Nb Sub Dhani Ram Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **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 Shyam Singh, Ld. Counsel for the respondents are present. A counter affidavit has been filed today by the respondents which is taken on record. Learned counsel for the applicant seeks and is allowed a week time to file rejoinder affidavit. List on **16.12.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 478 of 2021 with M.A. No. 497 of 2021

Ex MEI Anuj Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Objection to delay condonation application as well as reply are taken on record. Heard Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. Matter pertains to promotion and there is delay of 8 years, 06 months and 19 days in filing Original Application. The applicant has moved an application supported with affidavit for condonation of delay. It is submitted by learned counsel for the applicant that delay in filing is not deliberate. He further submitted that applicant kept writing to respondents for promotion during service time but he was not heard and after being retired from service, he being busy in home affairs and scarcity of funds could not file the application in time. Per contra, learned counsel for the respondents submitted that delay is more than 5 years in filing application has not been properly and satisfactorily explained and therefore, delay should not be condoned. Upon hearing submission of both sides and considering the facts and circumstances of the case, we are of the view that cause shown for delay is sufficient, accordingly, delay is condoned. Delay condonation application stands decided accordingly. **O.A. No. 478 of 2021** It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List on **20.01.2022** before the Registrar for exchange of pleadings. List before the Tribunal on **21.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
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O.A. No. 490 of 2021

Ex L/Nk Mukesh Kumar Ravi 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
	09.12.2021 **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 Himanshu Hemant Gupta, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents and as a last chance, two weeks time is granted to file counter affidavit. List on **07.02.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
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O.A. No. 491 of 2021

Ex Sgt Shyam Prakash Srivastava 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
	09.12.2021 **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 Keshav Sharma, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Learned counsel for the respondents prays for and is granted four weeks further time to file counter affidavit. List on **19.01.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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{See rule 11(1)}
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O.A. No. 542 of 2021

Ex Hav Dev Nath Singh Yadav 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
	09.12.2021 **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 VP Pandey and Shri RK Singh, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondent No. 1 to 4 and Shri DC Luhumi, respondent No. 5 are present. It is submitted by learned counsel for respondent No. 1 to 4 that as regards grievance raised in O.A., the same is between applicant and respondent No. 5 and in regard to relief claimed in OA, PPO has already been issued to the applicant. In view of above, no counter is required to be filed by respondent No. 1 to 4. Respondent No. 5 submits that four weeks time be granted to him to file counter affidavit which is allowed. List on **03.02.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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{See rule 11(1)}
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O.A. No. 566 of 2021

Hav (DSC) Chandra Pal Singh Chauhan (Retd) 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
	09.12.2021 **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. As prayed by learned counsel for the respondents two weeks further time is granted to take instructions. List on **02.02.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
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O.A(A) No. 487 of 2021

Ex Wg Cdr Sushil Bajpai Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **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 Anand Yadav, Ld. Counsel for the appellant and Shri Namit Sharma, Ld. Counsel for the respondents are present. On the request of JWO Harinder Singh, Departmental Representative for the respondents four weeks further time is granted to file counter affidavit. List on **07.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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O.A. No. 585 of 2018

Ex Dfr Jaswant 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
	09.12.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri VP Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Original Application is **dismissed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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{See rule 11(1)}
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O.A. No. 763 of 2020

Ex L Nk Raj Karan 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
	09.12.2021 **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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Jai Narayan Mishra, Ld. Counsel for the respondents are present. As prayed, list on **07.03.2022** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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O.A. No. 127 of 2021

Ex Sub Hari 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
	09.12.2021 **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 RKS Chauhan, Ld. Counsel for the respondent No. 1 to 4 are present. Col R.K. Mahajan, Commanding Officer 28 RR (JAK RIF) has been impleaded as respondent No. 5 in the O.A. in his personal capacity to whom notice was issued and served but he has not turned up. The case shall proceed ex parte against him. Heard arguments of learned counsel of the parties. Judgment is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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{See rule 11(1)}
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O.A. No. 231 of 2021

Ex Ris / Clk Manoj Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **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 VP Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. On the request of learned counsel for the respondents two weeks and no more time is granted to file counter affidavit. List on **12.01.2022** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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{See rule 11(1)}
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O.A. No. 343 of 2021

Ex JWO Vinod Kumar Chowbey 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
	09.12.2021 **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 Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. On the request of learned counsel for the respondents two weeks and no more time is granted to file counter affidavit. List on **21.01.2022** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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O.A. No. 619 of 2021

Brig Javed Iqbal 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
	09.12.2021 **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 KC Ghildiyal and Shri R Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Col Sachidananda Prabhu, Col MS, Col Puja Dudeja, Col Medical (Professional) and Lt Col Sandip Singh, GSO-1 (Legal), DGMS of IHQ of MoD (Army) are also present. Heard learned counsel for the applicant and learned counsel for the respondents. List tomorrow (**10.12.2021**) as 1st case for remaining arguments. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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{See rule 11(1)}
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T.A. No. 4 of 2019

Virendra Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	09.12.2021 **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 Nand Kishore Vuttsya, Shri Hemendra Pratap Singh and Shri Deepak Vuttsya, Ld. Counsel for the petitioner and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present. Copy of counter affidavit as well as rejoinder affidavit has been filed by the petitioner on 01.10.2021 and the same is taken on record. Alongwith copies of counter affidavit and rejoinder affidavit, a copy of letter dated 28.09.2019 has also been filed regarding which submission of learned counsel for the respondents is that respondents wants to get the letter verified by the concerned Records for which they need four weeks time . Respondents are allowed four weeks time to get letter dated 28.09.2019 verified from the concerned Records, as prayed. List on **04.02.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB