

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

M.A. No 98 of 2021 with M.A. No 99 of 2021, M.A. No 100 of 2021
Inre Dy No 1162 of 2019 Inre O.A. (Nil) of 2019

Ex Hav Ram Kishore
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>10.02.2021</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 Anurag Mishra, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list as Ld. Counsel for the respondents.</p> <p>Present : Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p>None appears to present the case of the applicant, nor is there any mention made on his behalf to pass over or adjourn the case.</p> <p>Accordingly, we dismiss the delay condonation application in filing recall application along with application for recall for non prosecution.</p> <p>Interim order, if any, shall stand vacated.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

M.A. No 102 of 2021 Inre M.A. No 1119 of 2018 Inre O.A. (Nil) of 2018

Lt Col Daljeet Singh (Retd) & Others
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>10.02.2021</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 Namit Sharma, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list as Ld. Counsel for the respondents.</p> <p>On the case being taken up for hearing Col RA Pandey (Retd) and Shri Arun Kumar, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 102 of 2021</u></p> <p>This is an application for leave to appeal.</p> <p>Heard Ld. Counsel for the parties.</p> <p>After hearing Ld. Counsel for the parties, we do not find any ground where question of public importance is involved to grant leave to appeal. In view of statutory provision contained in Section 31 of the Armed Forces Tribunal Act, 2007, we also find that no point of law of general importance is involved, which may call for grant of leave to appeal to the applicant.</p> <p>Accordingly, application lacks merit and is rejected.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

**Ex. A. No 181 of 2017 with Ex. A. No 84 of 2019 alongwith
R.A. No 17 of 2018 Inre O.A. No 174 of 2016**

Kailash Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing no one appears on behalf of the applicant.</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present and he submitted that Affidavit of compliance be taken on record.</p> <p>Shri Rajiv Kumar Tiwari, Account Officer, PCDA (P), Allahabad is also present and he submits that in compliance of order passed by this Tribunal applicant is getting service element @ Rs 15,081/- per month despite being paid Rs 19,22,169/- towards arrears. He further submits that applicant's disability pension being reduced below 20% in the RSMB held on him, he is not entitled to disability pension and that is why no PPO has been issued.</p> <p>In view of the aforesaid it appears that order has been complied with. Accordingly execution application is dismissed in full and final satisfaction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

Ex. A. No 156 of 2018 Inre O.A. No 419 of 2017

Prakash Swarup
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>10.02.2021</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 Pankaj Kumar Shukla , Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that matter regarding issuance of PPO is in process. He further sought two weeks time to file affidavit of compliance annexing therewith Corrigendum PPO which is allowed.</p> <p>List on 22.03.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

Ex. A. No 13 of 2020 Inre O.A. No 584 of 2018

Ex Dfr Vivek 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>10.02.2021</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that after Review Application being dismissed the matter for execution of the order has been processed. He further submitted that four weeks further time be granted to make compliance of order and file compliance report which is allowed.</p> <p>List on 23.03.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

M.A. No 1471 of 2017 Inre O.A. (Nil) of 2017

Ex Gnr Pawan Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh and Shri KKS Bisht , Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No 1471 of 2017</u></p> <p>The Original Application has been filed with delay of 12 years, 11 months and 13 days.</p> <p>Submission of learned counsel for the applicant is that delay in filing application is not intentional but for the reasons stated in affidavit filed along with application.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer.</p> <p>Upon hearing submissions we find that cause shown is sufficient.</p> <p>In the result, we condone the delay.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 110 of 2021</u></p> <p>Heard. Admit.</p> <p>Issue notice to respondents.</p> <p>Respondents have not only put up appearance but have also filed counter affidavit and same has been taken on record.</p> <p>List on 10.05.2021 for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>

M.A. No 925 of 2019 Inre O.A. (Nil) of 2019

Lt Col Uma Shankar (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>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No 925 of 2019</u></p> <p>The Original Application has been filed with delay of 2 years, 09 months and 18 days. His further submission is that applicant has explained the delay in affidavit filed in support of application and, in view of this, delay is liable to be condoned.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer saying there being inordinate delay in filing the Original Application and explanation for day to day delay offered by the applicant being not sufficient, application should be dismissed.</p> <p>Considering this aspect and explanation of delay offered by the applicant, being sufficient, as seems, delay deserves to be condoned.</p> <p>In the result, delay condonation application is allowed.</p> <p>Let the Original Application be registered.</p> <p><u>O.A. No. 34 of 2021</u></p> <p>Heard. It is a fit case for adjudication.</p> <p>Admit.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Applicant is directed to submit his claim for grant of LTC to respondents within 30 days in reference to Para 6 and 10 of the counter affidavit and on receipt of LTC claim respondents shall take action as per rule and decide his claim.</p> <p>Original Application is disposed of accordingly.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 367 of 2020

Ex Hav (Hony Nb Sub) Ram Prasad Rai
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>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>Shri RC Shukla, learned counsel for the respondents has submitted that on order sheet dated 19.10.2020 name of Shri AK Sahu, has been printed in place of Shri RC Shukla. It shall be read as Shri RC Shukla.</p> <p>Order pronounced today in the open court.</p> <p>Shri Parijaat Belaura, Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Shri RC Shukla, Ld. Counsel for the respondents has no objection.</p> <p>With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p>Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 55 of 2021

Ex Rfn Keval Rana By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava. Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve. Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri KKS Bisht and Shri Prakhar Kankan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents, list this matter on 15.02.2021 for hearing.</p> <p style="text-align: center;">In the mean time objection, if any, against interim relief may be filed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

M.A. No. 104 of 2021 Inre Ex-A/114 of 2018
Inre O.A. No. 245 of 2015

Ajay Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava. Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve. Member (A)</u></p> <p>On the case being taken up for hearing Col AK Srivastava (Retd), learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents are present.</p> <p style="text-align: center;"><u>M.A. No. 104 of 2021</u></p> <p>This case was listed on 23.02.2021 for hearing. By means of this application, respondents have prayed for early hearing, which is allowed.</p> <p style="text-align: center;"><u>Ex-A/114 of 2018</u></p> <p>List on 15.02.2021 on which date applicant shall produce medical documents regarding illness of his mother and of himself. He shall file an affidavit that he is alone person available at home.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 101 of 2017 alongwith O.A. No. 36 of 2017

Amit Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</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 VP Pandey, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>List on 18.02.2021 for physical hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 246 of 2017

Smt Anuradha Tewari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Dr. SN Pandey, learned counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant, list on 03.03.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 573 of 2018

Sheo Prasad

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava. Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve. Member (A)</u></p> <p>Heard Shri Parijaat Belaura, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents.</p> <p>In para 5 and 6 of supplementary counter affidavit it has been specifically stated that in view of new policy regarding MACP issued by IHQ of MoD (Army) letter dated 10.08.2018 the applicant is entitled to MACP and, accordingly, PCDA (P) has issued necessary instructions in this regard. It has also been stated that Corrigendum PPO pertaining to MACP with effect from 01.01.2006 has been forwarded to State Bank of India.</p> <p>In view of aforesaid submissions, O.A. is liable to be dismissed being infructuous.</p> <p>Accordingly, O.A. is dismissed as infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 30 of 2019

Hony Nb Sub Ram Kripal & Another
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</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 Parijaat Belaura, learned counsel for the applicants and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p>Since Larger Bench has been formed at Principal Bench, New Delhi for disposal of similar issues, therefore, the case is adjourned sine die.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 381 of 2019

Mahesh Chandra Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</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 PK Khare, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents are present.</p> <p>The applicant had submitted a representation dated 24.05.2017 (Annexure No A-7 of O.A.) to respondent No 4 i.e. the Commanding Officer, Station Workshop, Bareilly Cantt for redressal of his grievance relating to pay and allowances which seems to have not been decided as yet.</p> <p>In view of the above, respondents are directed to decide aforesaid representation within a period of four months from today under intimation to applicant.</p> <p>O.A. is disposed off accordingly.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 389 of 2019

Ex Rect Feroz Khan
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>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Om Prakash Kushwaha, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant list on 12.02.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 33 of 2020 with M.A. No. 217 of 2019

Ex Hav Man 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>10.02.2021</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 AK Dixit, learned counsel for the applicant and Mrs Amrita Chakraborty, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 25.03.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 221 of 2020 with M.A. No. 58 of 2020

Smt Manikaraji Devi W/O Late
Ex Rect Bibhuti 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>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava. Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve. Member (A)</u></p> <p>Heard Shri DS Tiwari, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents.</p> <p>1. Applicant has filed present application under Section 14 of the Armed Forces Tribunal Act, 2007 and has sought following reliefs:-</p> <p>(i) The Hon'ble Tribunal may be pleased to set aside the rejection orders dated 09.09.1965 and first appeal rejection order dated 10.12.1965 and 08.10.2017 (communicated vide letter dated 28.10.2017) after summoning the same from its original along with Medical Board Proceedings.</p> <p>(ii) The Hon'ble Tribunal may be pleased to direct the respondents to grant disability pension with effect from the date of discharge i.e. 22.02.1964 alongwith Broad Banding to 50% and its arrears and interest thereon at the rate of 18% per annum.</p> <p>(iii) Any other appropriate order or direction which this Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case including cost of the litigation.</p> <p>(iv) Cost of the application.</p> <p>2. Brief facts of the case are that husband of the applicant was enrolled in the army on 25.03.1963 and was invalided out from service on 22.02.1964 after rendering 11 months and 27 days service on medical grounds with disability 'Flexion Contracture of Distal Phalanx of Left Middle Finger'. Disability pension claim was rejected vide order dated 28.09.1965. This O.A. has been filed for grant of disability pension.</p> <p>3. Learned counsel for the applicant submitted that husband of the applicant was found fit in all respects at the time of enrolment in the army and there was no note in his primary service documents with regard to any</p>

disease/disability. Therefore, whatever disease with which applicant suffered during service is attributable to military service. The learned counsel pleaded that disability pension be granted to the applicant.

4. On the other hand, learned counsel for the respondents submitted that husband of the applicant got injured during recruit training and became unfit for further military training. Therefore, on the advice of medical specialist, he was invalided out of service. He further submitted that as per para 595 of Regulations for the army 1987, sheet roll in respect of pensioners and non-pensioners are retained for a period of 50 years and 25 years respectively from the date of becoming non-effective. Further submission of learned counsel for the respondents is that since documents relating to husband of the applicant have been destroyed on expiry of mandatory retention period of 25 years being a non-pensioner, therefore, degree of disablement cannot be ascertained at this stage. He pleaded the O.A. to be dismissed being devoid of merit.

5. We have perused the records and we find that documents relating to ex army person have been destroyed after mandatory retention period in terms of para 595 of Regulations for the Army, 1987. Further, medical case sheet attached to O.A. reveals that 'it was an old injury to the finger which got infected and was incised in the unit MI Room about the 25th May 1963. He was admitted in Military Hospital Gwalior on 30th May 1963 with a sloughing ulcer in the parting aspect of the left middle finger. The wound healed without any skin graph. He was discharged on 25th May 1963. Now he is unable to use the left middle finger. He will be unable to carry in present trade and also with the present disability he is not likely to be fit for further service and recommended invaliding out by surgical specialist, MH Gwalior'. Since the deceased soldier was unfit to undergo further military training, he was recommended to be invalided out from service on the recommendations of medical specialist. We could have decided the case, had there been related medical documents pertaining to the deceased soldier and applicant could have been benefitted, but we are unable to impart justice in the absence of requisite documents.

6. Respondents have admitted that applicant is wife of ex Recruit Bibhuti Singh (dead) as per IAFK-1172 maintained by ASC Records (South). Records also reveal that applicant has made series of representations to authorities

concerned but nothing tangible was achieved because of non availability of related documents required for grant of disability pension.

7. We are unable to decide the case in vacuum after a prolonged gap of about 56 years since the deceased soldier was discharged from service and more than 34 years after his death i.e. 10.10.1985.

8. In view of the above, O.A. is devoid of merit and is liable to be dismissed.

9. It is accordingly dismissed.

10. No order as to costs.

11. Pending applications, if any, are disposed off.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

rathore

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

O.A. No. 731 of 2020 alongwith M.A. No. 443 of 2020

Maj Vinay Sharma (Retd)

Applicant

By Legal Practitioner for the Applicant

Versus

Secretary GOI MOD & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava. Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve. Member (A)</u></p> <p>On the case being taken up for hearing Col YR Sharma (Retd), learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>Supplementary counter affidavit filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant submitted that he has not received copy of supplementary counter affidavit.</p> <p>Respondents are directed to deposit copy of supplementary counter affidavit in Registry by today itself, which applicant may receive and file supplementary rejoinder affidavit, if any by the date fixed after serving copy to respondents.</p> <p>List on 15.02.2021 for physical hearing at 02.30pm.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 666 of 2017

Avadh Narain
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>10.02.2021</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 Col A.K. Srivastava (Retd), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p style="text-align: center;">Arguments concluded. Order is reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 121 of 2016

Ravi Papnai

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>10.02.2021</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 S.G. Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>As prayed, list this case on 25.02.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 541 of 2018

Satya Prakash
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>10.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava. Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve. Member (A)</u></p> <p style="text-align: center;">Heard Shri Parijaat Belaura Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, 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.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>