

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

O.A. No. 199 of 2021

Ex. MWO (HFO) Rameshwar 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>10.11.2021</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 S.N. Singh Gaherwar and Shri Ajit Singh Gaherwar, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, 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>AKD/-</p>

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

O.A. No. 260 of 2021

Col. (TS) nagendra Singh (Retd.)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p style="text-align:center">Original Application is allowed.</p> <p style="text-align:center">For order, see our Judgment passed on separate sheets.</p> <p style="text-align:center">Misc. Application, 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>AKD/-</p>

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

O.A. No. 300 of 2021

HFO Girija Shanker 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>10.11.2021</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>Counter Affidavit filed by the respondents is taken on record. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, 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.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left;">AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A. No. 418 of 2020

Ex. Nk. Gaj Raj 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>10.11.2021</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>1. Heard Shri Shri K.K. Misra, Ld. Counsel for the applicant and Shri Jai Narayan Mishra, Ld. Counsel for the respondents.</p> <p>2. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-</p> <p style="padding-left: 40px;"><i>“(i) to direct the respondents to grant 30% disability pension to the applicant, duly rounded off to 50% as per the policy on the subject.</i></p> <p style="padding-left: 40px;"><i>“(ii) to direct the respondents to pay the arrears of disability pension to the applicant with effect from the date of his discharge from service, i.e. 01 Jan 2007, with interest.</i></p> <p style="padding-left: 40px;"><i>“(iii) any other relief which the Hon'ble Tribunal may think just and proper may be granted to the applicant.”</i></p> <p>3. Briefly stated facts of the case are that the applicant was enrolled in Infantry Battalion of Territorial Army on 25.12.1982 and was discharged from service on 30.09.1991 (AN) in low medical category after rendering 07 years, 03 months and 09 days of service. Subsequently, he was re-enrolled in DSC on 09.12.1991 and was discharged from DSC service on 31.12.2006 (AN0 under Rule 13(3) Item III (i) of Army rules in low medical category. The Release Medical Board identified his disability “PRIMARY HYPERTENSION” and assessed it @ 30% for life, aggravated by military service. Accordingly, the applicant was granted 30% disability element with effect from 01.01.2007 for life. Presently the applicant is in receipt of 30% disability element of disability pension for life and has moved this Original Application for grant of benefit of disability pension as well as its rounding off from 30% to 50% for life.</p> <p>4. Ld. Counsel for the applicant argued that since the applicant is already in receipt of 30% disability element for life, therefore, in view of the Hon'ble Apex Court judgment in the case of <i>Union of India and Ors vs Ram Avtar & ors</i> (Civil Appeal No. 418 of 2012 decided on 10th December 2014), the</p>

applicant is also entitled to benefit of rounding off of disability element @ 50% for life.

5. On the other hand, though Ld. Counsel for the respondents conceded receipt of 30% disability element of disability pension by the applicant but contended that the applicant is not entitled to the benefit of rounding off of disability element of disability pension on the ground that the applicant's services were not cut short as he was not invalidated out on account of his disability. In the instant case the applicant was discharged from service on completion of his terms of engagement, therefore, the Ld. Counsel claimed that he is not eligible for the benefit of rounding off.

6. The law on the point of rounding off of disability pension is no more RES INTEGRA in view of the Hon'ble Supreme Court judgment in the case of **Union of India and Ors vs Ram Avtar & ors** (Civil appeal No 418 of 2012 decided on 10th December 2014) wherein the Hon'ble Apex Court has nodded in disapproval of the policy of the Government of India in granting the benefit of rounding off of disability pension only to the personnel who have been invalidated out of service and denying the same to the personnel who have retired on attaining the age of superannuation or on completion of their tenure of engagement. The relevant portion of the decision is excerpted below:-

“4. By the present set of appeals, the appellant (s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No 1(2)/97/D (Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard Learned Counsel for the parties to the lis.

6. We do not see any error in the impugned judgment (s) and order(s) and therefore, all the appeals which pertain to the concept of rounding off of the disability pension are dismissed, with no order as to costs.

7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.

8. This Court grants six weeks' time from today to the appellant(s) to comply with the orders and directions passed by us.”

7. In the instant case, there is no dispute that applicant is in receipt of 30% disability element for life as this fact has been accepted by the respondents in para (ii) of Counter Affidavit. In view of the settled law on this matter, we are of the considered opinion that the applicant is entitled to the benefit of rounding off to 50% for life with effect from the next date of his discharge, however, arrears shall be restricted to three years only from the date original application is filed.

8. In view of the above, the Original Application No. 418 of 2020 is allowed. The applicant is held entitled to the benefit of rounding off of disability element from 30% for life to 50% for life with effect from three years prior to the date of filing of Original Application. The date of filing of Original Application is 05.08.2020. The respondents are directed to give effect to this order within a period of four months from the date applicant submits mandatory documents alongwith certified copy of this order. Defaults will invite interest @ 8% per annum from the due date till actual payment.

9. No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

Diary No. 2544 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Hav. Ashok 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>10.11.2021</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 Dr. Shailendra Sharma Atal, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p style="text-align: center;">No one appears on behalf of applicant nor defects have been removed.</p> <p style="text-align: center;">Applicant to remove defects within a week failing which application shall stand dismissed for non-prosecution.</p> <p style="text-align: center;">List on 01.12.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 664 of 2021 with M.A. No. 759 of 2021

Ex. Sep. Abhishek 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>10.11.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Ms. Appoli Srivastava, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The applicant has filed this Original Application for the grant of disability pension with delay of 01 year, 09 months and 16 days. He has also filed an application for condonation of delay supported with affidavit wherein he has stated that delay in filing application is not intentional, but for the reasons stated in affidavit.</p> <p style="text-align: justify;">The Ld. Counsel for the respondents has vehemently opposed the prayer inter alia on the ground that applicant has not challenged the order passed by the respondents whereby First Appeal preferred by the applicant was dismissed and even he has filed the present Original Application without availing the remedy of Second Appeal. As regard delay, the submission of Ld. Counsel for the respondents is that it has not been properly and satisfactorily explained.</p> <p style="text-align: justify;">Having heard submissions of Ld. Counsel of both sides and considering that bar of limitation is not applicable in pensionary matter, we condone the delay in filing of Original Application. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 664 of 2021</u></p> <p style="text-align: justify;">The matter needs adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on 05.01.2022 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 17.02.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

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

O.A. No. 668 of 2021 with M.A. No. 761 of 2021

Ex. Hav. Ashok 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>10.11.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri G.S. Sikarwar, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The Original Application has been filed with delay of 01 year, 01 month and 07 days.</p> <p style="text-align: justify;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align: justify;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p style="text-align: justify;">Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: justify;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 668 of 2021</u></p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on 05.01.2022 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 17.02.2022.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: right;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 669 of 2021 with M.A. No. 762 of 2021

Ex. Hav. Maharam
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>10.11.2021</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 Rajesh Kumar Singh Chauhan, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Rajesh Kumar Singh Chauhan, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 15 years, 03 months and 07 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 669 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 05.01.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 17.02.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 670 of 2021 with M.A. No. 763 of 2021

Ex. Hav. Santosh Kumar Dubey
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>10.11.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 01 year, 10 months and 07 days.</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align: center;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p style="text-align: center;">Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: center;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 670 of 2021</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 05.01.2022 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 17.02.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A. No. 671 of 2021 with M.A. No. 764 of 2021

Ex. Gnr. Mulaim 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>10.11.2021</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-indent: 40px;">Memo of Appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record.</p> <p style="text-indent: 40px;">Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p style="text-indent: 40px;">There is a delay of 50 year, 07 months and 27 days in filing Original Application.</p> <p style="text-indent: 40px;">Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not intentional. His further submission is that applicant was enrolled in Artillery Regiment of Indian Army on 20.03.1963 and was discharged from service on 11.02.1969 in low medical category due to Corneal opacity of both eyes. The applicant preferred many representations and RTI application dated 08.09.2019 seeking information regarding disability pension. The respondents have rejected the applicant's claim for grant of disability pension vide letter dated 03.10.2019 and 19.12.2019. The applicant has filed the joint O.A. No. 406 of 2021 with M.A. No. 416 of 2021 and 419 of 2021 which was dismissed as withdrawn with liberty to file afresh vide order dated 01.10.2021. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p style="text-indent: 40px;">Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 50 years has not been properly and satisfactorily explained.</p> <p style="text-indent: 40px;">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.</p> <p style="text-indent: 40px;">In the result, we find that delay is not condonable.</p> <p style="text-indent: 40px;">Accordingly, delay condonation application is rejected.</p> <p style="text-indent: 40px;">Original Application being time barred is also rejected.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 672 of 2021 with M.A. No. 765 of 2021

Ex. LRO (TAC) Jagvir 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>10.11.2021</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 Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p>The instant Original Application has been for the grant of disability pension and there is a delay of 28 years, 02 months and 01 day in filing of Original Application regarding which an application for condonation of delay has been filed. An affidavit in support of delay condonation application has also been filed stating therein the delay in filing Original Application is not deliberate. It is also submitted by the Ld. Counsel for the applicant that it is a pensionary matter in which bar of limitation is not applicable as cause of action accrues every month.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that there being a delay of more than 28 years and the same being not satisfactory explained, the delay should not be condoned.</p> <p>Having heard submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case as well as on fact that bar of limitation is not applicable in pensionary matter, we are of the view that delay, if any, in filing Original Application is liable to condoned.</p> <p>Accordingly, delay is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 672 of 2021</u></p> <p>It is a fit case for adjudication. Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 05.01.2022 for exchange of pleadings. List the matter before Tribunal on 17.02.2022.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 673 of 2021 with M.A. No. 766 of 2021

Ex. Nk. 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>10.11.2021</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 Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p>On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel respondents submitted that order passed in Appeals preferred by the applicant being not challenged, the present Original Application in its form is not maintainable.</p> <p>In regard to above, the submission of Ld. Counsel for the applicant is that a week time be granted to file amendment application which is allowed.</p> <p>List on 13.12.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A. No. 675 of 2021 with M.A. No. 768 of 2021

Ex. Rect. Ramesh Babu
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>10.11.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">There is a delay of 42 year, 09 months and 02 days in filing Original Application.</p> <p style="text-align: justify;">Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not intentional. His further submission is that applicant was enrolled in EME Records Office of Indian Army on 07.05.1975 and was invalided out from service on 06.12.1976 in low medical category due to Pulmonar Tuberculosis. The applicant was granted disability pension for life but it was stopped on 12.01.1988. The applicant preferred representations dated 02.11.2020 and 10.12.2020 but of no avail. The applicant has filed the joint O.A. No. 406 of 2021 with M.A. No. 416 of 2021 and 419 of 2021 which was dismissed as withdrawn with liberty to file afresh vide order dated 01.10.2021. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p style="text-align: justify;">Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 42 years has not been properly and satisfactorily explained.</p> <p style="text-align: justify;">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.</p> <p style="text-align: justify;">In the result, we find that delay is not condonable.</p> <p style="text-align: justify;">Accordingly, delay condonation application is rejected.</p> <p style="text-align: justify;">Original Application being time barred is also rejected.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 676 of 2021 with M.A. No. 769 of 2021

Ex. Gnr. 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>10.11.2021</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 Ms. Prerna Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 18 year, 06 months and 07 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 676 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 05.01.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 17.02.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 136 of 2017 Inre : O.A. No. 264 of 2014

Col. Mahesh 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
	<p><u>10.11.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Col. Y.R. Sharma (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">The decision of Hon'ble Apex Court is still awaited.</p> <p style="text-align: center;">List on 02.03.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left; margin-left: 10px;">AKD/-</p>

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

Ex. A. No. 43 of 2018 Inre : M.A. No. 972 of 2017 Inre : O.A. No. (Nil) of 2017

Rect. Shailesh Mishra 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>10.11.2021</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 Dr. Gyan Singh, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Shri Om Prakash Kushwaha, Ld. Counsel for the applicant is still reported to be ill and admitted in hospital.</p> <p style="text-align: center;">Steps not taken.</p> <p style="text-align: center;">Applicant to take steps within two weeks.</p> <p style="text-align: center;">List on 18.02.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

Ex. A. No. 95 of 2018 Inre : O.A. No. 143 of 2015

Shaikh Ibrahim Applicant
By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 Rohit Kumar, Ld. Counsel for the applicant and Major Tejas Waghchoure, Departmental Representative for the respondents are present.</p> <p>Ld. Counsel for the applicant submitted that Special Leave Petition filed against the order under execution has been dismissed on 20.07.2021.</p> <p>In reply, Major Tejas Waghchoure, Departmental Representative for the respondents submitted that in regard to compliance of the order under execution Government Sanction has been accorded on 14.09.2021. He further submitted to grant four weeks time to file affidavit of compliance which is allowed.</p> <p>Registry is directed to release the cost deposited by the respondents in favour of the applicant.</p> <p>List on 06.01.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

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>10.11.2021</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicant that order under execution has been complied with and payments have been made in applicant's account.</p> <p style="text-align: center;">In view of the aforesaid submission, Execution Application deserves to be dismissed being infructuous.</p> <p style="text-align: center;">Accordingly, Execution Application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 35 of 2021 Inre : O.A. No. 486 of 2019

Ex. Nk. Ravendra Singh Rathore
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>10.11.2021</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 V.P. Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents filed affidavit of compliance which is taken on record. He also submitted that in compliance of the order under execution Government sanction has been accorded on 30.07.2021. He also submitted to grant four weeks time to file affidavit of compliance which is allowed.</p> <p style="text-align: center;">List on 24.01.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 46 of 2021 Inre : O.A. No. 264 of 2019

Ex. Nk. Raghuraj Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that order under execution is in the process of implementation. He further submitted to grant four weeks time to file affidavit of compliance which is allowed.</p> <p style="text-align: center;">List on 13.01.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 50 of 2021 Inre : O.A. No. 92 of 2019

Ex. Nk. Ajit Kumar Sarmah
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>10.11.2021</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, Ld. Counsel for the applicant and Major Sini Thomas, Departmental Representative for the respondents are present.</p> <p>Major Sini Thomas, Departmental Representative submitted that in compliance of the order under execution P.P.O. has been generated on 28.06.2021. She further submitted to grant two weeks time to file affidavit of compliance which is allowed.</p> <p>List on 06.12.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 128 of 2018 Inre : O.A. No. 376 of 2017

Rama Kant
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>10.11.2021</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 Dharmesh Sinha, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Ld. Counsel appearing on behalf of the respondents submitted that in compliance of the order under execution Government Sanction has been accorded, however, P.O.O. could not be generated due to requisite documents to be submitted by the applicant.</p> <p style="text-align: center;">In reply, Ld. Counsel for the applicant sought a week time to submit requisite documents.</p> <p style="text-align: center;">Let requisite documents be submitted within a week, as prayed.</p> <p style="text-align: center;">After documents being submitted, the respondents shall process the same and ensure that P.P.O. shall be generated within three weeks.</p> <p style="text-align: center;">List on 18.02.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 215 of 2019 Inre : O.A. No. (Nil) of 2019

Chandravati Devi W/o Late Ex. Hav. Girraj Kishore Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 D.S. Tiwari, Advocate appeared on behalf of the applicant and filed Vakalatnama which is taken on record as Shri Om Prakash Kushwaha, Ld. Counsel for the applicant is not feeling well since long.</p> <p>Shri R.C. Shukla and Shri Yashpal Singh, Ld. Counsel for the respondent are present.</p> <p>Steps have not yet been taken despite time has been granted time and again.</p> <p>In response, submission of Ld. Counsel for the applicant is that applicant be granted a week time to seek deletion of respondent Nos. 6 and 7.</p> <p>Let steps for deleting the names of respondent Nos. 6 and 7 be taken within a week.</p> <p>List on 03.12.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 647 of 2020

Ex Hav Om Prakash Jakhmola
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>10.11.2021</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 appeared on behalf of the applicant to press the case.</p> <p>Ms. Amrita Chakraborty, learned counsel for the respondents is present and she submits that in para 20 of the counter affidavit it has been specifically stated that applicant is entitled to benefit of rounding off w.e.f. 01.01.2016 and not from 01.06.2013, as claimed. She further submits that it has also been specifically stated in para 20 of the counter affidavit that benefit of rounding off has already been given to the applicant by making payment of arrears Rs 1,10,976/- on 07.12.2018 in applicant's account.</p> <p>No rejoinder affidavit has been filed by learned counsel for the applicant to rebut the aforesaid.</p> <p>In view of the facts stated in para 20 of the counter affidavit, it appears that grievance raised in O.A. being already redressed much before, there was no need of filing the application.</p> <p>In the result, O.A. is dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No. 167 of 2021

<p>Smt Prem Bati W/o Late Ex Nb Sub Ram Sarup Prasad By Legal Practitioner for the Applicant</p>	Versus	<p>Applicant</p>
<p>Union of India & Others By Legal Practitioner for Respondents</p>		<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by learned counsel for the respondents that counter affidavit filed by respondents be taken on record.</p> <p style="text-align: center;">In response to above, learned counsel for the applicant submitted that he has not received copy of counter affidavit.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record. Respondents are directed to furnish copy of counter affidavit to learned counsel for the applicant within 03 days. On copy being received, applicant shall have 02 weeks time to file rejoinder affidavit, if any.</p> <p style="text-align: center;">List on 02.03.2022 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 295 of 2021

Nk Shiv Kumar Giri

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>10.11.2021</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 Ms. Hemlata, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that affidavit filed on 06.10.2021 wrongly shown to be filed on behalf of respondent No 1 to 4, be treated to be filed on behalf of respondent No 1 to 3.</p> <p>The prayer is allowed.</p> <p>Applicant may file rejoinder affidavit within two weeks.</p> <p>List on 02.03.2022 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No. 330 of 2021

Nb Sub Dharmendra Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 KP Datta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, two weeks further time is granted to file counter affidavit.</p> <p>Applicant shall have two weeks time thereafter to file rejoinder affidavit, if any.</p> <p>List on 03.03.2022 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No. 507 of 2021

Smt Kunwari Kuwar
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>10.11.2021</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 Dr. Shailendra Sharma Atal, Ld. Counsel appearing on behalf of the respondents submits that counter affidavit filed by the respondents be taken on record, which is allowed.</p> <p>Rejoinder affidavit, if any, be filed by applicant within two weeks, thereafter.</p> <p>List on 11.02.2022 for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

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

O.A. No. 625 of 2021 with M.A. 693 of 2021

Ex Recruit/Gnr Narender 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>10.11.2021</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 VP Pandey, Advocate holding brief for Shri KKS Bisht, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents.</p> <p>Objection on application for delay condonation filed by the respondents is taken on record.</p> <p><u>M.A. 693 of 2021</u></p> <p>This is an application for condonation of delay of 34 years, 08 months and 16 days in filing Original Application.</p> <p>Submission of learned counsel for the applicant is that delay in filing Original Application is not intentional. His further submission is that applicant was invalided out from service w.e.f. 07.01.1985 (AN) in low medical category ‘EEE’ due to ‘Aortic Incompetence’ having rendered 08 months and 06 days of service. He further submitted that the Invaliding Medical Board (IMB) has assessed his disability @ 20% for two years and disability pension claim was rejected vide order dated 03.10.1985. Applicant preferred appeal dated 04.11.1985 against rejection of disability pension claim which was forwarded to PCDA (P), Allahabad on 16.11.1985 and thereafter nothing was heard. The applicant preferred many representations and RTI application dated 04.11.2019 seeking information regarding disability pension as well as medical documents which were supplied by the respondents. The applicant has filed this O.A. alongwith delay condonation application with a submission that delay is not deliberate, but for the reasons stated above.</p> <p>Learned counsel for the respondents has vehemently opposed the prayer and submitted that long delay of more than 34 years has not been properly and satisfactorily explained.</p> <p>Having heard the submissions of learned 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.</p> <p>In the result, we find that delay is not condonable.</p> <p>Accordingly, delay condonation application is rejected.</p> <p>Original Application being time barred is also rejected.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. (A) No.106 of 2021

Ex Sep Ranvir Singh
By Legal Practitioner for the Appellant

Appellant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 and Shri KP Dutta, Ld. Counsel for the appellant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>List on 04.03.2022 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>rathore</p>

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

O.A. No. 208 of 2014

Pravind Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p>List on 07.02.2022 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>rathore</p>

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

O.A. No. 294 of 2015

Yogendra Kumar Sharma
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 Om Prakash Kushwaha and Shri SC Yadav, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 08.02.2022 for hearing.</p> <p style="text-align: center;">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>rathore</p>

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

O.A. No. 308 of 2017

Col VK 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>10.11.2021</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 Shashank Shekhar Shukla, Advocate on behalf of the applicant is taken on record. His name be shown as learned counsel for the applicant.</p> <p>On the case being taken up for hearing Shri Shashank Shekhar Shukla, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 05.01.2022 for final 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>rathore</p>

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

O.A. No. 309 of 2017

Col Vikram Chauhan Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 Vinay Pandey, holding brief for Shri Virat Anand Singh, Shri Indra Sen Singh and Shri Ravi Prakash Tripathi, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>List on 05.01.2022 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>rathore</p>

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

O.A. No. 447 of 2017

Vikas Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</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 Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant, list on 06.01.2022 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>rathore</p>

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

O.A. No. 260 of 2018

Satendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>10.11.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Heard Shri R Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">During the course of hearing when a query was made to learned counsel for the applicant, if applicant was recommended for grant of Honorary Commission on the Republic Day 2013 as a last chance, then what happened in that, learned counsel for the respondents sought time to seek instructions which is allowed.</p> <p style="text-align: justify;">List on 13.01.2022 on which date respondents shall produce original documents including board proceedings regarding grant of Honorary Commission on the occasion of Republic Day 2013.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. 432 of 2018

Ex Hav (Hony Nb Sub) Bharat 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>10.11.2021</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 JN Mishra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 23.12.2021 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>rathore</p>

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

O.A. No. 167 of 2020

Ex Nb Sub Fateh Chand
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>10.11.2021</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 KP Datta, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 31.01.2022 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>rathore</p>

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

O.A. No. 174 of 2020

Ex Hony Nb Sub Parimal Das
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>10.11.2021</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 KP Datta, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on 01.02.2022 for hearing.</p> <p style="text-align: center;">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>rathore</p>

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

O.A. No. 279 of 2021 with M.A. No. 284 of 2021

Smt Chandmati W/o Late Havaladar 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>10.11.2021</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 none appears on behalf of the applicant to represent the case.</p> <p>Shri Alok Kumar Mishra, Ld. Counsel for the respondents is present and he submits that grievance raised in O.A. being already addressed much before the filing of O.A., the same deserves to be dismissed being infructuous.</p> <p>We have gone through para 5 of counter affidavit filed by the respondents wherein they have specifically stated that applicant's husband being died on 13.12.1992, the applicant was granted Liberalized Family Pension @ 1535/- p.m. w.e.f. 14.12.1992 till widowhood vide PPO No. F/BC/16/1993. In para 7 of the counter affidavit respondents have stated that Liberalized Family Pension @ 12850/- p.m. w.e.f. 01.01.2006 to 30.06.2014, Rs 16,750/- p.m. w.e.f. 01.07.2014 to 31.12.2015 and Rs 43,048/- p.m. w.e.f. 01.01.2016 has been paid to applicant and also CPPC, Punjab National Bank has already been intimated in this regard vide letter dated 01.07.2020 and 15.02.2012.</p> <p>In view of the aforesaid, it is obvious that grievance raised in O.A. had already been redressed much before filing of O.A. and it appears that applicant had filed this application under misconception.</p> <p>In the result, O.A. is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 619 of 2021 with M.A. No. 723 of 2021

Brig Javed Iqbal
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>10.11.2021</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 accompanied by applicant in person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;"><u>M.A. No. 723 of 2021</u></p> <p>Heard applicant in person and learned counsel for the respondents on application for amendment.</p> <p>Applicant has filed this application seeking permission to delete relief clause (a) from the O.A.</p> <p>It is submitted by the applicant that in view of the stand taken by the respondents that No. 1 Selection Board scheduled in October 2021 was in respect of the vacancy of Major General in Judge Advocate General's Department becoming available on 01.02.2022 on retirement of the present incumbent and not in respect of the vacancy against which the applicant was considered and empanelled, applicant does not intend to press relief clause (a).</p> <p>Learned counsel for the respondents has serious objection to the aforesaid saying since this Bench has after considering relief (a) held application maintainable vide its order dated 08.10.2021 and applied mind while passing order dated 13.10.2021 on interim relief, applicant cannot be permitted to delete relief (a) from the O.A. as if this is allowed the very basis on which above mentioned orders were passed would be crumbled.</p> <p>Upon hearing submission of both the sides and considering that it is the sole prerogative of applicant as to which relief he will press and which will not and respondents cannot dictate him in this regard, we find that amendment may be allowed.</p> <p>Accordingly, amendment application is allowed.</p> <p>Let amendments be incorporated during course of the day.</p> <p>It is submitted by learned counsel for the respondents that 03 weeks further time be granted to file counter affidavit.</p> <p>Considering that applicant is due to retire in April 2022, respondents are allowed two weeks time to file counter affidavit.</p> <p>List on 01.12.2021 for hearing.</p> <p>Let copy of this order be supplied to 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>rathore</p>

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

O.A. (A) No. 370 of 2018

Ex Sub Maj Liladhar
By Legal Practitioner for the Appellant

Appellant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>10.11.2021</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 Yashpal Singh, Ld. Counsel for the appellant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 10.02.2022 for hearing.</p> <table style="width: 100%;"><tr><td style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>rathore</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		