



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

**M.A. No 103 of 2021 Inre O.A. (Nil) of 2021**

**Ex Sub Yamuna Prasad**

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><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Devesh Kumar Srivastava, 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><b><u>M.A. No 103 of 2021</u></b></p> <p>The Original Application has been filed with delay of 05 years, 11 months and 18 days. Regarding delay the submission of the Ld. Counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. 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>Undisputedly, it is a pensionary matter in which cause of action does not accrue on a fixed date. The matter being a case of continuing wrong, cause of action accrues from month to month. 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><b><u>O.A. No. 112 of 2021</u></b></p> <p>Heard. 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 this case on <b>23.04.2021</b> before the Registrar Court for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>06.05.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></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 109 of 2021**

**Ex CHM Lalit Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>11.02.2021</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: center;">Memo of appearance filed by Rajiv Narayan Pandey, 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 style="text-align: center;">Heard Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication. 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 this case on <b>23.04.2021</b> before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>06.05.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>UKT/-</p>

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

**Dy No 1382 of 2020 Inre O.A. (Nil) of 2020**

**Ex WO Dinesh Chand Sharma**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Ms. Ria Gandhi, Advocate, holding brief of Wg Cdr Ajit Kakar (Retd), Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Ms. Ria Gandhi, Advocate, holding brief of Wg Cdr Ajit Kakkar (Retd), learned counsel for the applicant prays for and is granted a week's further time to file application for condonation of delay and IPO of Rs 250/-.</p> <p>List on <b>22.02.2021</b>.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) 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)**

**Ex. A. No 206 of 2017 with M.A. No 55 of 2019 Inre O.A. (A) No 314 of 2015**

**Shiv Ram Singh**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Agnohotri, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant, list on <b>05.03.2021</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

**Ex. A. No 12 of 2018 Inre O.A. No 149 of 2013**

**Smt Munni Devi**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ashok Kumar and Shri Om Prakash Kushwaha, 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 he has received a copy of letter purportedly issued to applicant by the Records asking applicant to furnish information required in execution of order. He further submitted to issue directions to applicant to furnish required informations so that order may be executed.</p> <p>In response, applicant's counsel denied applicant being in receipt of any such letter and requested to directing respondents to provide copy of the letter so that same may be replied or complied with.</p> <p>Let copy of letter be forwarded to applicant's learned counsel through mail/ whatsApp to applicant through his counsel. Applicant on receipt of letter shall furnish required information within two weeks and shall inform the Tribunal.</p> <p>List on <b>22.03.2021</b> for orders.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/UKT/-</p>

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

Ex. A. No 100 of 2018 Inre O.A. No 438 of 2012

**Rakesh 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><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents alongwith Maj Tarun, Departmental Representative are present.</p> <p>Compliance report filed by learned counsel for the respondents today in Registry is taken on record.</p> <p>Learned counsel for the applicant prays for time to go through it and file objection, if any.</p> <p>List on <b>24.02.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b>                                 <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>UKT/-</p>

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

**Ex. A. No 20 of 2020 Inre O.A. No 180 of 2019**

<b>L Nk Kamil Hussain Beg</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.02.2021</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Affidavit of compliance filed by learned counsel for the respondents is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prayed for adjournment, accordingly the case is adjourned.</p> <p style="text-align: center;">List on <b>05.03.2021</b>.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 45%;"> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> </div> <div style="width: 45%;"> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> </div> </div> <p>UKT/-</p>



**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (E. Court)**

**M.A. No 95 of 2019 Inre O.A. (Nil) of 2019**

**Jyoti**  
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><b><u>11.02.2021</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>Supplementary affidavit filed by the applicant is taken on record.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file supplementary counter affidavit.</p> <p>List on <b>04.03.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></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 740 of 2019 Inre O.A. (Nil) of 2019**

**Ex Sep Mooj Nath Giri**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri VP Pandey and Shri Satyendra Kumar Mishra, 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 to grant two weeks further time to file objection against delay condonation application which is allowed.</p> <p>List on <b>15.03.2021</b>.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) 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 101 of 2021 Inre O.A. (Nil) of 2019**

<b>Ex Sep Mahesh Kumar</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri RN Tripathi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p><b><u>M.A. No 101 of 2021</u></b></p> <p>The Original Application has been filed with delay of twenty seven years, eight months and twenty eight days. Regarding delay the submission of the Ld. Counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. 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>Undisputedly, it is a pensionary matter in which cause of action does not accrue on a fixed date. The matter being a case of continuing wrong, cause of action accrues from month to month. Considering this aspect and explanation of delay offered by the applicant, being sufficient, as seems, delay deserves to be condoned.</p> <p style="text-align: center;">In the result, delay condonation application is allowed.</p> <p style="text-align: center;">Let the Original Application be registered.</p> <p><b><u>O.A. No. 117 of 2021</u></b></p> <p>Heard. 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 this case on <b>23.04.2021</b> before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>06.05.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>     <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>     <b>Member (J)</b></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 623 of 2017**

**Arun Kumar Tiwari, S/O Deo Nandan Tiwari**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Respondents have deposited cost of Rs. 10,000/- in the Registry which applicant can collect.</p> <p>List on <b>07.04.2021</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></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 486 of 2018

**Havaldar Yadav & Others** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Short counter affidavit filed by learned counsel for the respondents today in the Registry is taken on record.</p> <p>Since larger bench has been formed at AFT, Principal Bench, New Delhi for disposal of similar issues, therefore, the case is adjourned <b>sine die</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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 4 of 2019**

**Mahendra Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri KK Misra, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondents are present.</p> <p>Applicant has become dead since more than three months.</p> <p>Shri KK Misra, learned counsel for the applicant submits that he has no instructions from legal heirs of deceased applicant.</p> <p>A suit/application gets abated in absence of substitution proceeding being not initiated within three months of death of sole applicant.</p> <p>Accordingly, O.A. is <b>dismissed</b> being abated.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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. 325 of 2020**

**Ex Rect Aman Singh**  
By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Om Prakash, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant prayed for to grant two weeks time to file rejoinder affidavit, which is allowed.</p> <p>List on <b>26.02.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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. 326 of 2020**

**Ex Rect Satish**

By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Om Prakash, learned counsel for the applicant and Shri Kaushik Chatterjee, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is allowed two weeks time to file counter affidavit.</p> <p>List on <b>26.02.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p><b>rathore</b></p>

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

**O.A. No. 327 of 2020**

**Ex Sep Hiamanshu Yadav**  
By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Om Prakash, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is allowed two weeks time to file counter affidavit.</p> <p>List on <b>26.02.2021</b>.</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. 743 of 2020**

**Ex Hav (Hony Nb Sub) Chhabi Nath Singh**  
By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>11.02.2021</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: justify;">On the case being taken for hearing Shri Amit Jaiswal, learned counsel for the respondents is present.</p> <p style="text-align: justify;">Applicant has become dead since more than three months.</p> <p style="text-align: justify;">Vide order dated 04.01.2021 legal heirs of the deceased applicant were directed to file substitution application but neither application was filed nor is there any mention to pass over the case.</p> <p style="text-align: justify;">A suit/application gets abated in the event of death of sole plaintiff/applicant, if substitution application is not filed within ninety days from the death.</p> <p style="text-align: justify;">Accordingly, O.A. is <b>dismissed</b> being abated.</p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b>     <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>     <b>Member (J)</b></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. 621 of 2017**

**Bachcha Jee Pandey**  
By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b></p> <p><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b></p> <p><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p>This is a pensionary matter related to Air Force personnels.</p> <p>Joint Controller of Defence Accounts, Air Force, New Delhi shall be present in Court on 07.04.2021 to assist the Tribunal.</p> <p>List on <b>07.04.2021</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</b> <b>Member (A) Member (J)</b></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. 624 of 2017**

**Raj Nath Mishra**

By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, learned counsel for the applicant and Mrs Amrita Chakraborty, learned counsel for the respondents are present.</p> <p>This is a pensionary matter related to Air Force personnels.</p> <p>Joint Controller of Defence Accounts, Air Force, New Delhi shall be present in Court on 07.04.2021 to assist the Tribunal.</p> <p>List on <b>07.04.2021</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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. 629 of 2017**

**Vishnu Deo Tiwari**

By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>This is a pensionary matter related to Air Force personnels.</p> <p>Joint Controller of Defence Accounts, Air Force, New Delhi shall be present in Court on 07.04.2021 to assist the Tribunal.</p> <p>List on <b>07.04.2021</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></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. 641 of 2017 with M.A. 1581 of 2018**

**Mukhtyar Ahmed**

By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name shall be shown in cause list.</p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p style="text-align: center;"><b><u>M.A. 1581 of 2018</u></b></p> <p>Impleadment application is allowed. Let impleadment be incorporated within two weeks.</p> <p style="text-align: center;"><b><u>O.A. No. 641 of 2017</u></b></p> <p>This is a pensionary matter related to Air Force personnels. Joint Controller of Defence Accounts, Air Force, New Delhi shall be present in Court on 07.04.2021 to assist the Tribunal. List on <b>07.04.2021</b> 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. 63 of 2018**

**Vijaypal Singh**  
By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>11.02.2021</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri KK Misra, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents are present.</p> <p>List on <b>14.04.2021</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>                                      <b>Member (J)</b></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. 117 of 2018**

**Smt Sumitra Devi**  
By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Joint Controller of Defence Accounts, Air Force, New Delhi shall be present in Court on 07.04.2021 to assist the Tribunal.</p> <p>List on <b>07.04.2021</b> for hearing.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)      Member (J)</p> <p><b>rathore</b></p>

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

**O.A. No. 119 of 2018**

**Surendra Kumar Srivastava**

By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present.</p> <p>Joint Controller of Defence Accounts, Air Force, New Delhi shall be present in Court on 07.04.2021 to assist the Tribunal.</p> <p>List on <b>07.04.2021</b> for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p><b>rathore</b></p>

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

O.A. No. 169 of 2019

**Ex Nb Sub Himat 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><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Nishant Verma, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p style="text-align: center;">Judgment.</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. 302 of 2019**

**Smt Seema Devi**

By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri VP Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>1. The instant original application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 vide which applicant has sought following reliefs:-</p> <p style="padding-left: 40px;">(i) To issue order or direction to respondents to grant Special Family Pension to the applicant from the date of her husband i.e. 19.01.2012.</p> <p style="padding-left: 40px;">(ii) Any other relief as considered proper by this Hon'ble Tribunal be awarded in favour of the applicant.</p> <p style="padding-left: 40px;">(iii) Cost of the application be awarded to the applicant.</p> <p>2. Brief facts of the case are that husband of the applicant was enrolled in the army on 30.01.1988 and promoted to the rank of Naib Subedar. On 13.12.2001, on account of suffering from sudden chest pain, the deceased soldier was rushed to 92 Base Hospital and was placed on DI list w.e.f. 18.12.2001. He was transferred to Army Hospital (Research &amp; Referral) w.e.f. 20.12.2001 where he died during treatment on 19.01.2012 due to 'Acute Necrotising Pancreatitis and Sepsis with Multi Organ Failure'. The fatal disability is declared neither attributable to nor aggravated by military service. The applicant is in receipt of family pension. Special family pension claim was rejected vide order dated 21.04.2012. It is in this perspective the O.A. has been filed.</p> <p>3. Learned counsel for the applicant submitted that since husband of the applicant was suffering from 'Acute Necrotising Pancreatitis and Sepsis' and</p>

died in Army Hospital on 19.01.2012 while on military duty, therefore applicant is entitled to special family pension and not ordinary family pension which she is in receipt of. He further submitted that since death of the deceased soldier has been declared as attributable to military service by his Commanding Officer vide para 11 of the AFMSF-93 Part II (Ver 2002), therefore, applicant should be granted special family pension. He pleaded for grant of special family pension to applicant.

4. Per contra, learned counsel for the respondents submitted that since Medical Officer vide 'Section C' of AFMSF-93 Part II (Ver 2002) has declared death of the deceased soldier as neither attributable to nor aggravated by military service, therefore, applicant is not entitled to special family pension. He further submitted that the above endorsement of the Medical Officer has also been recommended and approved by competent authorities in chain. He pleaded that the O.A. be dismissed.

5. We have given our anxious consideration to the views expressed by both the counsel during argument and are of the view that husband of the applicant died due to excess consumption of alcohol as the disease, with which he was suffering, is the outcome of extravagant use of alcohol as is given in Medical Literature. We have also perused the AFMSF-93 Part II (Ver-2002) and find that death of husband of the applicant is neither attributable to nor aggravated by military service. We are in agreement with the remarks endorsed by Medical Officer and are of the opinion that the applicant is entitled to ordinary family pension and not special family pension as claimed vide this O.A.

6. The O.A. has no merit and is liable to be dismissed. It is accordingly **dismissed**.

7. No order as to costs.

8. 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. 190 of 2020**

**Ex Hav Malkhan 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><b><u>11.02.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</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;">“A. To issue/pass an order/directions to the respondents to decide applicants appeal dated 27.12.2019 addressed to officer-in-Charge, Records Bombay engineer Group, Kirkee, Pune for surrender of commutation amount of Rs. 11,72,573/- (Rupees eleven lakh seventy two thousand five hundred seventy three only, credited to the applicant's bank account on 19.12.2019, after issuing of Pension Payment order (PPO) on 25.01.2019 forwarded to the applicant on 08.02.2019, inspite of undesired to commute his service pension while submitting application for commutation portion of pension documents, before discharge from service on 30.06.2018.</p> <p style="padding-left: 40px;">B. To issue/pass any other order or direction as this Hon'ble Tribunal may deem just, fit and proper under the circumstances of the case in favour of the applicant.</p> <p style="padding-left: 40px;">C. To allow this original application with costs.”</p> <p>3. Briefly stated facts of the case are that the applicant was enrolled in the Army on 12.01.2000 and was discharged from service on 30.06.2018 after serving 18 years &amp; 06 months in the Army. Applicant submitted application for commutation portion of pension alongwith pension documents on 11.04.2018 mentioning nil % of commutation. However, Records, Bombay Engineer Group (BEG) submitted applicant's application for commutation portion of service pension to PCDA (P) Allahabad wrongly mentioning 50% commutation against the desire of applicant. PPO was issued to the applicant on 25.01.2019 but it was forwarded to applicant vide BEG Records letter dated 08.02.2019. On</p>

receipt of PPO applicant came to know that his pension amount has been commuted to 50%, so he submitted an application dated 18.02.2019 to BEG Records being undesired and reiterated to receive full service pension applicable per month to him. Subsequently, BEG Records asked him to forward "No Payment Certificate" of commutation amount issued by his paying branch i.e. SBI Barabanki, if he is not willing to draw commutation amount vide letter dated 04.03.2019. Accordingly, applicant submitted 'No Payment Certificate' issued by his present paying branch, SBI, Captainganj, Basti (UP) on 30.09.2019 to BEG Records.

4. Learned counsel for the applicant submitted that inspite of repeated correspondence with Records regarding his undesireness, the commutation amount of Rs. 11,72,573/- has been credited in applicant's account on 19.12.2019 after 11 months of issuance of PPO on 25.01.2019 without crediting interest @ 12% p.a. from the date of discharge in a very arbitrarily manner. He further submitted that applicant submitted a detailed application dated 27.12.2019 to BEG Records requesting them to surrender his commutation amount immediately and to pay him full service pension applicable per month from the date of discharge i.e. 30.06.2018 but no action has been taken by BEG Records towards surrender of his commutation amount .

5. Learned counsel for the applicant prayed that respondents be directed to receive back commutation amount of Rs. 11,72,573/- without further delay and commence full service pension from the date of discharge and pay arrears of 50% pension being not paid on account of commutation. Applicant's application dated 11.02.2021, addressed to AFT (RB) Lucknow, received through his counsel Mr. K.P. Datta as an undertaking to return Rs. 11,72,573/- alongwith savings interest is kept alongwith O.A.

6. On the other hand, Ld. Counsel for the respondents submitted that applicant was discharged from service at his own request before completion of terms and engagement. At the time of submission of pension documents, applicant opted to commute 50% of his service pension which is evident from copy of discharge roll and Form 'A' for computation of pension. Since the applicant himself requested for commutation of pension, Records, Bombay Engineer Group processed the case to PCDA (P) Allahabad and accordingly e-PPO dated 25.01.2019 was issued with commutation amount of Rs. 11,72,573/- and pension @ Rs. 10,719 per month after commutation. On receipt of request from applicant vide his letter dated 18.02.2019, BEG Records processed his case with PCDA (P) Allahabad for cancellation of commutation of service pension and issue of Corrigendum e-PPO, then PCDA (P) Allahabad vide its letter dated 29.06.2020 intimated that "Commutation once granted cannot be surrendered. Thus, he submitted that there being no provision to surrender amount of commuted portion of service pension, this O.A. may be dismissed.

7. After perusal of material on record, we are of the opinion that applicant has signed papers for option of commutation of his service pension but the figure 50 in the option form has been written perhaps by someone else later alongwith some other corrections and additions made in the form. So, if this all happened unknowingly against the desire of applicant the same can be corrected as requested by the applicant by directing him to return complete commutation amount of Rs. 11,72,573/- alongwith savings bank interest.

8. In view of above, the Original Application is allowed. The applicant is directed to return commutation amount of Rs. 11,72,573/- alongwith 6% interest from the date it was paid/credited in his bank account till the date it is paid back to the respondents. The respondents are directed to receive back the commutation amount of Rs. 11,72,573/- alongwith interest @ 6% p.a. from the applicant through demand draft/cheque/electronic transmission or by whatever method they want to take it back and thereafter, Corrigendum PPO shall be issued to applicant with full service pension from the date of discharge alongwith arrears of 50% pension which was not released on account of commutation. The respondents shall also pay interest @ 6% per annum on amount of 50% deducted pension amount till it is paid and the entire exercise shall be completed at earliest, preferably within four months from the date certified copy of order is produced to the respondents.

9. There shall be no order as to costs.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

SB