

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

M.A. No. 21 of 2021 Inre : O.A. No. 216 of 2019

Union of India & Others

By Legal Practitioner for the Applicants

Applicants

Versus

Hony. Nb. Sub. Anil Kumar Singh

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>12.01.2021</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 Asheesh Agnihotri, Ld. Counsel for the applicants-Union of India & Others and Shri V.P. Pandey, Ld. Counsel for the respondent.</p> <p><u>M.A. No. 21 of 2021</u></p> <p>This is an application for waiving of cost of Rs.50,000/- imposed by this Tribunal vide order dated 09.10.2019 in Original Application No. 216 of 2019.</p> <p>For the reason stated in affidavit filed in support of application, application is allowed and cost Rs.50,000/- imposed by this Tribunal is waived off.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Ex. A. No. 1 of 2021 Inre : O.A. No. 403 of 2018

Ex. Sub. Chandreshwar 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>12.01.2021</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;">Shri Arun Kumar Sahu, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Shri Arun Kumar Sahu, Ld. Counsel for the respondents submitted that P.P.O. in this case has been generated on 09.12.2019.</p> <p style="text-align: center;">A copy of P.P.O. has been filed by the applicant along with Execution Application and while drawing out attention to it, Ld. Counsel for the applicant submitted that it is not in consonance with the order passed by this Tribunal as there is no mention that arrears should be restricted to three years only.</p> <p style="text-align: center;">In regard to above, Ld. Counsel for the respondents submitted that some time be given to him to seek instructions which is allowed.</p> <p style="text-align: center;">Let instructions be sought within two weeks.</p> <p style="text-align: center;">List on 18.02.2021.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 10px;">AKD/-</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)		

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O.A. No. 424 of 2019

Sep. (NA) Gaurav 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>12.01.2021</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. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Rejoinder Affidavit filed by the applicant is taken on record. List on 04.03.2021 at 02.30 PM for physical hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Ex. A. No. 25 of 2019 Inre : O.A. No. 297 of 2011

Ex. Sub. Kedar Prasad Mishra
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>12.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. Rakesh Johri (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel appearing on behalf of respondents submitted that respondents have filed Appeal against the order passed by this Tribunal along with delay condonation application on which notice has been issued to the applicant. However, he also admitted that order under execution has not been stayed, therefore, he submitted that four weeks time be granted to respondents to complete the process for execution of order which is allowed on payment Rs.10,000/- as cost, payable to the applicant.</p> <p>List on 24.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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O.A. No. 252 of 2019 with M.A. No. 878 of 2019

Ex. Ris. Hidayat Ullah 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>12.01.2021</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;">On the case being taken up for hearing Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 878 of 2019</u></p> <p style="text-align: justify;">By means of this application the applicant has to be substituted in place of deceased applicant being his legal heir. In support, copies of the death certificate as well as applicant's Passport have been filed.</p> <p style="text-align: justify;">There is no dispute applicant being wife of the deceased applicant and, as such, deserves to be substituted. However, the substitution application has not been filed within 90 days as mandated in law, therefore, application is allowed after setting aside the abatement, if any.</p> <p style="text-align: center;">Let substitution be made forthwith.</p> <p style="text-align: center;">List on 07.04.2021 for final hearing.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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O.A. No. 397 of 2019

Sep. Sonu 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>12.01.2021</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 Jagrit Sharma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Pleadings and complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on 08.04.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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M.A. No. 1735 of 2016 Inre : O.A. No. (Nil) of 2016

Uma Kant 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>12.01.2021</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 K.K. Misra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The matter pertains to seniority.</p> <p style="text-align: justify;">There is a delay of 11 years, 10 months and 22 days in filing Original Application.</p> <p style="text-align: justify;">Regarding delay, submission of Ld. Counsel for the applicant is that applicant was enrolled in the Army in Pioneer Corps on 26.10.1993. Subsequently, he was transferred to Intelligence Corps in October, 1996 on his own request. Thereafter, he was promoted to the rank of Naik and his seniority was fixed with effect from 01.10.2001. Later he was promoted to the rank of Havildar on 09.04.2007 with seniority fixed from 12.11.2006 instead of January, 2005. With the result he was made junior to 251 personnel who were earlier junior to him. Further submission of Ld. Counsel for the applicant is that applicant has been made junior to his juniors quoting a policy which was never made known earlier and hence, the application could not be made in time. Thus, his submission is that delay in filing application is not deliberate.</p> <p style="text-align: justify;">Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that seniority Rules as stated by the applicant, are applicable in Clerical trade only, not in trade to which applicant belongs. He further submitted that applicant has failed to offer any satisfactory explanation for the delay.</p> <p style="text-align: justify;">Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that cause shown is sufficient.</p>

Accordingly, we **condone** the delay.

Let Original Application be registered.

O.A. No. 37 of 2021

It is a fit case for adjudication.

Admit.

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

List the matter before Registrar on **27.04.2021** for exchange of pleadings.

List the matter before Tribunal on **06.05.2021**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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O.A. No. 216 of 2020

Har Pal 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>12.01.2021</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 K.K. Misra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>Supplementary affidavit filed by the respondents is taken on record.</p> <p>Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection.</p> <p>With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p>Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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M.A. No. 38 of 2020 with M.A. No. 304 of 2020 Inre : O.A. (A) No. (Nil) of 2020

Ex. Nk. Subhash Singh Appellant
By Legal Practitioner for the Appellant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.01.2021</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 Manoj Kumar Awasthi, Ld. Counsel for the appellant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 304 of 2020</u></p> <p style="text-align: center;">By means of this amendment application appellant wants to bring certain facts in the Original Application saying he had preferred Statutory Petition dated 25.03.2019 under Section 164 of the Army Act, 1950 for redressal of his grievance but the same has been rejected. He also wants to add one more relief in the prayer clause by way of seeking direction to set aside the order dated 29.12.2017 and rejection dated 16.12.2019 passed by G.O.C.-in-C, Southern Command Pune.</p> <p style="text-align: center;">Proposed amendments do not change the nature of Original Application, therefore, are allowed.</p> <p style="text-align: center;">Let amendments be incorporated within three days after serving copy of amended Original Application to the Counsel for the respondents who may file Supplementary Counter Affidavit, if any, to the amended pleadings within two weeks.</p> <p style="text-align: center;">List on 07.05.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Ex. A. No. 89 of 2017 Inre : O.A. No. 272 of 2013

Pravat Kumar Behuria 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>12.01.2021</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 Mukesh Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the respondents a week further time is granted to file affidavit of compliance.</p> <p style="text-align: center;">List on 25.01.2021.</p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Ex. A. No. 17 of 2019 Inre : Ex. A. No. 104 of 2018 Inre : O.A. No. 253 of 2015

Smt. Chanchal Devi Wife of Late Pnr. Dilbodh 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>12.01.2021</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, Ld. Counsel for the applicant, Shri Amit Jaiswal, Ld. Counsel for the respondent Nos. 1 to 3, Shri A.K. Srivastava, Ld. Counsel for the AGIF are present.</p> <p>We have gone through the affidavit of compliance filed by the respondent Nos. 1 to 3 as well as submissions made by Shri A.K. Srivastava, Ld. Counsel for the AGIF regarding compliance of the order and we find that order under execution has been complied with.</p> <p>In the result, Execution Application is dismissed in full and final satisfaction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Ex. A. No. 68 of 2019 Inre : Ex. A. No. 08 of 2018 Inre : O.A. No. 445 of 2012

Man Singh 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>12.01.2021</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, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted one day time to file affidavit of compliance.</p> <p style="text-align: center;">List on 13.01.2021.</p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Ex. A. No. 153 of 2018 Inre : O.A. No. 477 of 2017

Wg. Cdr. S.P. Rathore (Retd.)		Applicant
By Legal Practitioner for the Applicant		
	Versus	
Union of India & Others		Respondents
By Legal Practitioner for Respondents		

Notes of the Registry	Orders of the Tribunal
	<p><u>12.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Supplementary Affidavit of Compliance filed by the respondents is taken on record.</p> <p>We have gone through the order dated 11.12.2019 of the Hon'ble Apex Court in Civil Appeal No. 10870 of 2018 titled Union of India and Others Versus Wg. Cdr. S.P. Rathore. The order under execution passed by this Tribunal has been set aside by Hon'ble Apex court and in view of this Execution Application is liable to be dismissed.</p> <p>Accordingly, Execution Application is dismissed.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>AKD/-</p>

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Ex. A. No. 208 of 2018 Inre : O.A. No. 5 of 2018

Pandey Shambhu Prasad 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>12.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Shri R. Chandra, Ld. Counsel appearing on behalf of applicant submitted that order under execution has been complied with.</p> <p>Accordingly, Execution Application is dismissed in full and final satisfaction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
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O.A. No. 423 of 2019

Ex. Hav. (Hony. Nb. Sub.) Lal Ji
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>12.01.2021</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 Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection.</p> <p style="text-align: center;">With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p style="text-align: center;">Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Ex-A/3 of 2020 Inre O. A. No. 238 of 2019

Ex L/Nk Awadhesh Kumar 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>12.01.2021</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, learned counsel for the applicant is present.</p> <p>Maj Sini Thomas, Departmental Representative is also present from the side of respondents.</p> <p>Learned counsel for the applicant submitted that order under execution dated 03.04.2019 has not yet been complied with.</p> <p>Respondents are directed to make compliance of the order within six weeks from today failing which they shall be liable to pay Rs. 20,000/- as cost to the applicant.</p> <p>List on 05.03.2021 for orders.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>SB</p>

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M.A. No. 9 of 2019 Inre O.A. (Nil) of 2019

Hav (DSC) Chandra Pal Singh Chauhan (Retd) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p>12.01.2021 <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, learned counsel for the applicant and Ms. Amrita Chakraborty, learned counsel for the respondents are present.</p> <p>Ms. Amrita Chakraborty appearing on behalf of the respondents produced copy of letter dated 06.11.2020 before us which shows that applicant's pay has been stepped up by granting an increment to him.</p> <p>Learned counsel for the respondents also submitted that four weeks time be given to her to file affidavit of compliance which is allowed.</p> <p>List on 05.03.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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Ex-A/26 of 2018 Inre T.A. No. 178 of 2009

Sriram Pandey
By Legal Practitioner for the Petitioner

Petitioner

Versus

**Defence Secretary, Ministry
of Defence, Govt of India**
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.01.2021</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 Yashpal Singh, learned counsel for the petitioner and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>Shri Yashpal Singh, learned counsel for the applicant submitted that as applicant is going to move application for impleadment of the Bank officials in the Execution Application, the case may be taken up day after tomorrow.</p> <p>As prayed, list on 19.01.2021.</p> <p>The name of Shri Shailendra Kumar Singh as counsel for the applicant is being wrongly shown in the cause list. When the case is next listed name of Shri Sachindra Pratap Singh shall be shown as learned counsel for the applicant.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

Ex-A/113 of 2019 Inre O.A. No. 435 of 2018

Ex Ch EAP Shankar Bahadur 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>12.01.2021</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 Sudhir Kumar Singh, learned counsel for the applicant and Shri RKS Chauhan, learned counsel for the respondents are present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Respondents are directed to serve copy of the affidavit of compliance to learned counsel for the applicant by today itself.</p> <p>On receipt of copy, applicant may file objection, if any, within two weeks.</p> <p>List on 15.02.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>
SB	

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

O.A. No. 648 of 2020

Amar 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>12.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri VP Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Applicant has not yet served copy of supplementary affidavit to learned counsel for the respondents. Let it be served by today itself.</p> <p>Respondents may file objection, if any, within two weeks.</p> <p>List on 15.02.2021 for orders.</p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

M.A. No. 726 of 2019 Inre O.A. (Nil) of 2019

Ex Nb Sub Chandra Bali 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>12.01.2021</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 Vijay Kumar Pandey, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents are present.</p> <p>There is delay of 11 months & 16 days in filing Original Application.</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.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 41 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Counter affidavit already filed by the respondents is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed by the date fixed.</p> <p>List on 21.01.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 13 of 2021 Inre O.A. (Nil) of 2020

Rect Brij Bhushan 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>12.01.2021</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 Virat Anand Singh, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents.</p> <p>This is a third ground of litigation by which applicant has approached this Tribunal seeking directions to the respondents to take him on strength by allowing him to join BEG Centre, Roorkee.</p> <p>There is delay of 7 months & 2 days in filing Original Application.</p> <p>Submission of learned counsel for the applicant is that after O.A. No. 369 of 2017 and O.A. No. 328 of 2019 being allowed by this Tribunal, applicant had immediately approached to Centre for joining training but he was not allowed. Further submission is that thereafter applicant could not file application in time because of Covid situation.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer saying delay has not been satisfactorily explained.</p> <p>Upon hearing submissions of both sides and considering the facts and circumstances of the case we find that cause shown is sufficient.</p> <p>Accordingly, we condone the delay.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 40 of 2021</u></p> <p>Heard.</p> <p>The matter needs to be adjudicated.</p> <p>Admit.</p> <p>Issue notice to the respondents.</p> <p>Shri G.S. Sikarwar, Advocate has accepted notice on behalf of the respondents. He prays for four weeks time to file counter affidavit.</p> <p>Thereafter, rejoinder affidavit, if any, may be filed within two weeks List on 28.04.2021 before the Registrar for exchange of pleadings.</p> <p>List before the Tribunal on 07.05.2021 for hearing.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

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

M.A. No. 14 of 2021 Inre O.A. (Nil) of 2020

Ex Nk Ranjeet Yadav
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>12.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents is present.</p> <p>There is delay of 10 years, 08 months & 12 days in filing Original Application.</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.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 39 of 2021</u></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 28.04.2021 before the Registrar for exchange of pleadings.</p> <p>List before the Tribunal on 10.05.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

Ex-A/208 of 2017 Inre T.A. No. 887 of 2010

Niranjan Singh

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.01.2021</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 Yashpal Singh, learned counsel for the petitioner and Rajiv Pandey, learned counsel for the respondents is present.</p> <p>As prayed by learned counsel for the applicant one week and no more time is granted to file objection on the affidavit of compliance.</p> <p>List on 21.01.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
O.A. No. 203 of 2018

Mahesh Chandra
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>12.01.2021</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 J.N. Mishra, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>Shri J.N. Mishra, Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Shri Sunil Sharma, Ld. Counsel for the respondents has no objection.</p> <p>With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p>Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 95 of 2019

Kalawati

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>12.01.2021</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 Jai Prakash Singh and Shri Manish Vikram Singh Chauhan, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents is present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 11.02.2021 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 31 of 2014

Jeetendra Bahadur 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>12.01.2021</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;">Shri Yogesh Kesarwani, Advocate filed power today in court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri KK Misra, learned counsel for the applicant and Shri Yogesh Kesarwani, learned 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 13.04.2021 for final 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>SB</p>

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

O.A. No. 200 of 2016

**Indra Tiwari wife of Ram Murty Tiwari
(deceased) & Ors**

Applicants

By Legal Practitioner for the Applicants

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.01.2021</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 Rajendra Yadav, learned counsel for the applicants and Dr. Chet Narayan Singh, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 14.04.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 3 of 2017

Ram Bahadur Pal 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>12.01.2021</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 RK Dwivedi, learned counsel for the applicant and Dr. Ashish Asthana, Shri Shailendra Kumar Singh and Dr. Chet Narayan Singh, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 22.01.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 470 of 2012

Naseebul Hasan Syed
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col AK Srivastava (Retd), Shri Dharam Raj Singh and Shri Shyam Sunder Bajpai, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents are present.</p> <p>List on 20.01.2021 for physical hearing after 2.30 P.M.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>