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

O.A. No. 441 of 2021

Ex. Sep. Ram Milan Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajesh Shukla, Advocate on behalf of the respondent Nos. 1 to 4 is taken on record. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondent Nos. 1 to 4. Matter needs adjudication. Admit. Notice need not be issued to respondent Nos. 1 to 4 as they have put in their appearance through Shri Rajesh Shukla, Advocate. Issue notice to the respondent Nos. 5 and 6 returnable within four weeks. 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 next thereafter. List the matter before Registrar on **29.10.2021** for exchange of pleadings. List the matter before Tribunal on **23.11.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 442 of 2021 with M.A. No. 482 of 2021

Ex. Hav. Avadh Bihari Tiwari 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. The Original Application has been filed for grant of disability pension with delay of 10 years, 11 months and 23 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 442 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 **29.10.2021** for exchange of pleadings. List the matter before Tribunal on **23.11.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 443 of 2021

Sgt. Amit Tripathi 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. Heard Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. 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 **29.10.2021** for exchange of pleadings. List the matter before Tribunal on **23.11.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 444 of 2021 with M.A. No. 441 of 2021

Ex. MWO Jitendra Singh 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Arvind Kumar Pandey, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 02 months and 18 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 444 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 **29.10.2021** for exchange of pleadings. List the matter before Tribunal on **23.11.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 458 of 2021

Hav. Gar Singh Bhadoriya (Through son Abhay 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri U.K.S. Chauhan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents submitted that instant Original Application has been filed without serving notice to the respondents. Ld. Counsel for the applicant is directed to serve a copy of Original Application to Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents within a week. List on **01.09.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 194 of 2017 Inre : O.A. No. 99 of 2016

Kishan Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none appears on behalf of the applicant nor is there any mention to pass over. Shri Kaushik Chatterjee, Ld. Counsel for the respondents is present and he submits that order has been fully complied with. We have gone through the affidavit of compliance and find that order passed in Original Application seems to have been complied with. Accordingly, Execution Application is **dismissed** being infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 80 of 2018 Inre : R.A. No. 17 of 2011 Inre : T.A. No. 288 of 2010

Smt. Darko Devi W/o Late Ex. Hav. Chhote Lal 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents four weeks further time is granted to file affidavit of compliance. Cost deposited by the respondents be released to the applicant. List on **27.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 12 of 2019 Inre : O.A. No. 46 of 2017

Maj. (Retd.) B.S. Rawat 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. Shri Namit Sharma, Ld. Counsel for the respondents submits that Special Leave Petition in this case has been prepared and is likely to be filed very soon. The order under execution pertains to the year 2019. Respondents are directed to make compliance of the order within four weeks from today, if no stay order is filed after filing of Special Leave Petition. List on **29.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 100 of 2019 Inre : O.A. No. 144 of 2016

Sgt. Rajendra Prasad Pal (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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. During the course of hearing Ld. Counsel for the applicant submitted that order under execution has not been fully complied with, only a partial compliance has been made. No affidavit of compliance has been filed by the respondents. They are directed to file affidavit of compliance giving therein details of compliance within four weeks from today. List on **22.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 6 of 2020 Inre : O.A. No. 148 of 2018

Ex. Spr. Raj Kumar Verma 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submitted that in compliance of order passed in Original Application P.P.O. has been issued. He also submitted that cost amount has also been deposited and sought time to file affidavit of compliance. Let affidavit of compliance be filed within two weeks. List on **14.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Dfr. Vivek 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents four weeks further time granted to file affidavit of compliance on payment of Rs.10,000/- as cost to applicant. List on **20.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 499 of 2018

Smt. Anita 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. No Supplementary Counter Affidavit has been filed in regard to amended pleadings. Let it be filed within two weeks failing which opportunity shall stand closed. List on **22.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 421 of 2019

Ex. Lance Nk. Dhirendra 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing no one appears on behalf of the applicant nor is there any mention to pass over the case. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present. No reply to objection has been filed by the applicant. In view of aforesaid, Original Application is **dismissed** in default. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 81 of 2020 with M.A. No. 901 of 2019

Ex. Nk. Shyam 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondent Nos. 1 to 3 and Shri Ashok Kumar Pandey, Ld. Counsel for the respondent Nos. 4 and 5 are present. On the request of Shri Ashok Kumar Pandey, Ld. Counsel for the respondent Nos. 4 and 5 four weeks time is granted to file Counter Affidavit. List on **27.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 95 of 2020 with M.A. No. 408 of 2021 with M.A. No. 979 of 2019

Ex. Sep. Arbind Rai 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents. **M.A. No. 408 of 2021** Applicant has filed this application seeking amendment in the Original Application specially in prayer clause saying he came to know about the discharge order issued against him through Counter Affidavit of the respondents. Proposed amendments, if allowed, do not change the nature of case. Amendment application is allowed. Let amendment be incorporated within a week. Thereafter, Supplementary Counter Affidavit, if any, may be filed within two weeks. List on **01.10.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 696 of 2020

Sep./Driver Vijay Amrit 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. No Rejoinder Affidavit has been filed by the applicant. List on **26.10.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 384 of 2021

Ex. Nk. Sudheer Pal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents. Ld. Counsel for the respondents submitted that if applicant is willing to surrender he is welcome to that as respondents never stopped him from surrendering. In view of aforesaid submission the Original Application stands **disposed off** with direction that if applicant surrenders they will not raise any objection. However, they shall be free to take action against him in accordance with Rules. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 239 of 2011

Smt. Neelam 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present. Supplementary Counter Affidavit filed by the respondents is taken on record. Ld. Counsel for the applicant wants to file Rejoinder Affidavit in respect of Supplementary Counter Affidavit. Let it be filed within two weeks. In the order dated 25.01.2021 name of Shri Alok Kumar Mishra, Ld. Counsel for the respondents be corrected. List on **15.09.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 318 of 2016

Shib Bahadur Gurung 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents are present. List on **29.09.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 313 of 2017

Smt. Mithilesh 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri S.S.L. Srivastava, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the applicant case is adjourned. List on **20.09.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 17 of 2018

Awdesh Kumar Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.K. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. List on **30.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No 673 of 2020

Smt Pinkey Devi,
W/o Late Ex Sep Raj 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri KK Misra, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents. O.A. No. 673 of 2020, Smt Pinkey Devi, W/o Late Ex Sep Raj Kumar Singh, vs. Union of India and others is **dismissed.** For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 313 of 2021 with M.A. No 322 of 2021

Brig Anand Kumar Tewari (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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Objection regarding maintainability of Original Application and reply filed thereon are taken on record. 2. Heard Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents. 3. In instant Original Application the applicant, a retired Brigadier of Indian Army Education Corps, has prayed for the following reliefs:- *(A). To quash and set aside the Respondent No 5 revised guidelines dated 16 Feb 2018 (Annexure A-4) to the extent it changes the criteria for converting COPE-1 to COPE-2 as the same is contrary to Army Order No 09/2011 and the promotion policy of MS Branch dated 14 Dec 2012 and being ultra vires in the eye of law.* *(B). To issue/pass an order or directions to Respondents to declassify the COPE coding awarded to the applicant from COPE-2 to COPE-1 in Fresh Re-classification Medical Board dated 16 Apr 2019 at RR Hospital without adhering to*

the directions passed by Hon'ble AFT (PB) New Delhi Order dated 19 Mar 2019 in O.A. No 1634 of 2018.

(C). To issue/pass an order or directions to respondents for promoting the applicant to the prestigious rank of MAJOR GENERAL wef due date with all consequential benefits.

(D). Any other relief as considered proper by the Hon'ble Tribunal be awarded in favour of the applicant.

(E). Cost of application be awarded in favour of the applicant, as Respondents have acted arbitrarily especially when Principal Bench of this Hon'ble Tribunal issued directions on the matter.

4. A preliminary objection regarding maintainability of Original Application has been raised by the respondents learned counsel on the premise that an earlier Original Application being O.A. No 1634 of 2018 for the same very grievance filed by the applicant in Armed Forces Tribunal, Principal Bench, New Delhi has been adjudicated upon and the judgment and order passed therein being final after a Miscellaneous application seeking clarification in the judgment and appeal filed against the judgment and order being dismissed as withdrawn by the AFT, PB, New Delhi and Hon'ble Apex Court respectively, a fresh adjudication of the same issue in the present Original Application is barred by the Principle of res judicata as provided under Section 11 of the Civil Procedure Code.

5. Learned counsel for the respondents submits that issues such as validity of AO 09/2011, Promotion Policy dated 12 December 2012 and medical interpretation of guidelines dated 16.02.2018 in awarding COPE rating raised in the instant Original Application had been directly and substantially under consideration and deliberate in the earlier O.A. filed in AFT, PB, New Delhi, and the same

	being decided by the AFT, PB, New Delhi and judgment and order passed being confirmed after Appeal filed against the judgment and order being dismissed as withdrawn by the Hon'ble Apex Court, the same issue cannot be agitated again in this Bench by means of instant Original Application as the same is barred by the principle of res-judicata. He submits that AFT, PB, New Delhi had while deciding the earlier O.A. vide its judgment and order dated 19.03.2019 only reverted back the applicant's case to a duly constituted medical board to analyse the facts of the case, including symptoms, medical condition, limitations and physical capabilities and award a fresh COPE rating to applicant commensurate to his case. He submits that if being aggrieved with fresh COPE rating C2 awarded by the duly constituted medical board held under judgment and order of AFT, PB, New Delhi, applicant files a fresh subsequent Original Application challenging outcome of medical board proceedings, respondents will have no objection in it. But, as applicant has challenged the same policy letter dated 16.02.2018, which was directly and substantially in issue in the earlier O.A. and finally decided between the parties, the same being barred in view of Section 11 of the CPC, the present O.A. in its form is not maintainable and, therefore, should be dismissed as such. 6. Per contra, learned applicant's counsel submits that it is incorrect to say that issues involved in the instant Original Application were directly and substantially involved in the earlier O.A. also and being finally decided the instant O.A. is barred by the principle of res-judicata. In the instant Original Application the Fresh

	Re-classification Medical Board dated 16 April 2019, being contrary to directions issued by the AFT, PB, New Delhi, has been challenged on the premise that while passing order to hold fresh medical board in the matter of applicant the Tribunal had also directed to respondents to revisit the policy letter dated 16.02.2018 regarding COPE rating. He submits that since Re-classification Medical Board has been held without revisiting the policy letter dated 16.02.2018, therefore, same being contrary to directions issued by the AFT, PB, New Delhi is not sustainable in law. He further submits that if had policy letter dated 16.02.2018 been revisited then same being contrary to AO 09/2011 and promotion policy letter dated 12 December 2012 would be ignored being unconstitutional while awarding fresh COPE rating to the applicant. Thus, in nut shell, his submission is that since Fresh Re-classification Medical Board dated 16 April 2019 has been held without revisiting policy letter dated 16.02.2018, which being contrary to AO 09/2011 and Promotion Policy letter dated 12 December 2012 is unconstitutional, its outcome giving COPE 2 rating to applicant is also unconstitutional and is liable to be quashed. 7. We have given thoughtful consideration to the submissions made herein above and gone through judgment and order dated 19 March 2019 of AFT, PB, New Delhi passed in O.A. No 1534 of 2018. We are in full agreement with learned respondents' counsel view that if an issue raised in a suit or proceeding between the same parties has been settled by a Court of law, the same being barred by res-judicata cannot be re-agitated in a subsequent Suit or Proceedings by the same parties or by their representative or any person(s) claiming through them.

8. We have gone through contents of present O.A. and also the earlier O.A. filed in AFT, PB, New Delhi and the judgment passed therein and have no hesitation to say that contents and subject matter in both applications though appear to be same but are infact different. In the earlier O.A. applicant had prayed for his promotion to the rank of Major General by granting waiver of COPE Code, whereas in the instant O.A. the outcome of fresh Re-classification Medical Board dated 16 April 2019 is under challenge saying the same being contrary to directions issued by the AFT, PB, New Delhi is bad in law. No doubt vires of Policy letter dated 16.02.2018, about which much has been said in the judgment passed in earlier O.A., is also under challenge. We have also taken note of the fact that, while directing respondents to hold Fresh Re-classification Medical Board in the matter of applicant's disability coding, the Tribunal had also concluded to revisit the policy letter dated 16.02.2018. If disability suffered with by the applicant is codified in terms of same policy letter of 16.02.2018 and policy letter is revisited later on, and the outcome of the revisit results in benefit for the applicant, then certainly this would be a matter of concern. Further, if any direction is issued by a Court of law and the same is not complied with in letter and spirit, its impact may be far reaching, which may be a matter of great concern and therefore needs fresh adjudication. With this view of matter, we find that issues raised in instant Original Application cannot be shut being barred by res-judicata rather they need adjudication.

9. In the result, preliminary objection regarding maintainability of O.A. raised by learned counsel for the respondents is not accepted and O.A. is held maintainable.

10. Accordingly, O.A. is admitted for hearing.

11. Respondents may file counter affidavit within four weeks.

	Thereafter, applicant shall have two weeks time to file rejoinder affidavit. 12. List on **08.10.2021** before Registrar Court for exchange of pleadings. 13. List before this Bench on **28.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 673 of 2020

Smt Pinkey Devi,
W/o Late Ex Sep Raj 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri KK Misra, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents. O.A. No. 673 of 2020, Smt Pinkey Devi, W/o Late Ex Sep Raj Kumar Singh, vs. Union of India and others is **dismissed.** For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 313 of 2021 with M.A. No 322 of 2021

Brig Anand Kumar Tewari (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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Objection regarding maintainability of Original Application and reply filed thereon are taken on record. 2. Heard Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents. 3. In instant Original Application the applicant, a retired Brigadier of Indian Army Education Corps, has prayed for the following reliefs:- *(A). To quash and set aside the Respondent No 5 revised guidelines dated 16 Feb 2018 (Annexure A-4) to the extent it changes the criteria for converting COPE-1 to COPE-2 as the same is contrary to Army Order No 09/2011 and the promotion policy of MS Branch dated 14 Dec 2012 and being ultra vires in the eye of law.* *(B). To issue/pass an order or directions to Respondents to declassify the COPE coding awarded to the applicant from COPE-2 to COPE-1 in Fresh Re-classification Medical Board dated 16 Apr 2019 at RR Hospital without adhering to*

the directions passed by Hon'ble AFT (PB) New Delhi Order dated 19 Mar 2019 in O.A. No 1634 of 2018.

(C). To issue/pass an order or directions to respondents for promoting the applicant to the prestigious rank of MAJOR GENERAL wef due date with all consequential benefits.

(D). Any other relief as considered proper by the Hon'ble Tribunal be awarded in favour of the applicant.

(E). Cost of application be awarded in favour of the applicant, as Respondents have acted arbitrarily especially when Principal Bench of this Hon'ble Tribunal issued directions on the matter.

4. A preliminary objection regarding maintainability of Original Application has been raised by the respondents learned counsel on the premise that an earlier Original Application being O.A. No 1634 of 2018 for the same very grievance filed by the applicant in Armed Forces Tribunal, Principal Bench, New Delhi has been adjudicated upon and the judgment and order passed therein being final after a Miscellaneous application seeking clarification in the judgment and appeal filed against the judgment and order being dismissed as withdrawn by the AFT, PB, New Delhi and Hon'ble Apex Court respectively, a fresh adjudication of the same issue in the present Original Application is barred by the Principle of res judicata as provided under Section 11 of the Civil Procedure Code.

5. Learned counsel for the respondents submits that issues such as validity of AO 09/2011, Promotion Policy dated 12 December 2012 and medical interpretation of guidelines dated 16.02.2018 in awarding COPE rating raised in the instant Original Application had been directly and substantially under consideration and deliberate in the earlier O.A. filed in AFT, PB, New Delhi, and the same

being decided by the AFT, PB, New Delhi and judgment and order passed being confirmed after Appeal filed against the judgment and order being dismissed as withdrawn by the Hon'ble Apex Court, the same issue cannot be agitated again in this Bench by means of instant Original Application as the same is barred by the principle of res-judicata. He submits that AFT, PB, New Delhi had while deciding the earlier O.A. vide its judgment and order dated 19.03.2019 only reverted back the applicant's case to a duly constituted medical board to analyse the facts of the case, including symptoms, medical condition, limitations and physical capabilities and award a fresh COPE rating to applicant commensurate to his case. He submits that if being aggrieved with fresh COPE rating C2 awarded by the duly constituted medical board held under judgment and order of AFT, PB, New Delhi, applicant files a fresh subsequent Original Application challenging outcome of medical board proceedings, respondents will have no objection in it. But, as applicant has challenged the same policy letter dated 16.02.2018, which was directly and substantially in issue in the earlier O.A. and finally decided between the parties, the same being barred in view of Section 11 of the CPC, the present O.A. in its form is not maintainable and, therefore, should be dismissed as such.

6. Per contra, learned applicant's counsel submits that it is incorrect to say that issues involved in the instant Original Application were directly and substantially involved in the earlier O.A. also and being finally decided the instant O.A. is barred by the principle of res-judicata. In the instant Original Application the Fresh

	Re-classification Medical Board dated 16 April 2019, being contrary to directions issued by the AFT, PB, New Delhi, has been challenged on the premise that while passing order to hold fresh medical board in the matter of applicant the Tribunal had also directed to respondents to revisit the policy letter dated 16.02.2018 regarding COPE rating. He submits that since Re-classification Medical Board has been held without revisiting the policy letter dated 16.02.2018, therefore, same being contrary to directions issued by the AFT, PB, New Delhi is not sustainable in law. He further submits that if had policy letter dated 16.02.2018 been revisited then same being contrary to AO 09/2011 and promotion policy letter dated 12 December 2012 would be ignored being unconstitutional while awarding fresh COPE rating to the applicant. Thus, in nut shell, his submission is that since Fresh Re-classification Medical Board dated 16 April 2019 has been held without revisiting policy letter dated 16.02.2018, which being contrary to AO 09/2011 and Promotion Policy letter dated 12 December 2012 is unconstitutional, its outcome giving COPE 2 rating to applicant is also unconstitutional and is liable to be quashed. 7. We have given thoughtful consideration to the submissions made herein above and gone through judgment and order dated 19 March 2019 of AFT, PB, New Delhi passed in O.A. No 1534 of 2018. We are in full agreement with learned respondents' counsel view that if an issue raised in a suit or proceeding between the same parties has been settled by a Court of law, the same being barred by res-judicata cannot be re-agitated in a subsequent Suit or Proceedings by the same parties or by their representative or any person(s) claiming through them.

8. We have gone through contents of present O.A. and also the earlier O.A. filed in AFT, PB, New Delhi and the judgment passed therein and have no hesitation to say that contents and subject matter in both applications though appear to be same but are infact different. In the earlier O.A. applicant had prayed for his promotion to the rank of Major General by granting waiver of COPE Code, whereas in the instant O.A. the outcome of fresh Re-classification Medical Board dated 16 April 2019 is under challenge saying the same being contrary to directions issued by the AFT, PB, New Delhi is bad in law. No doubt vires of Policy letter dated 16.02.2018, about which much has been said in the judgment passed in earlier O.A., is also under challenge. We have also taken note of the fact that, while directing respondents to hold Fresh Re-classification Medical Board in the matter of applicant's disability coding, the Tribunal had also concluded to revisit the policy letter dated 16.02.2018. If disability suffered with by the applicant is codified in terms of same policy letter of 16.02.2018 and policy letter is revisited later on, and the outcome of the revisit results in benefit for the applicant, then certainly this would be a matter of concern. Further, if any direction is issued by a Court of law and the same is not complied with in letter and spirit, its impact may be far reaching, which may be a matter of great concern and therefore needs fresh adjudication. With this view of matter, we find that issues raised in instant Original Application cannot be shut being barred by res-judicata rather they need adjudication.

9. In the result, preliminary objection regarding maintainability of O.A. raised by learned counsel for the respondents is not accepted and O.A. is held maintainable.

10. Accordingly, O.A. is admitted for hearing.

11. Respondents may file counter affidavit within four weeks.

	Thereafter, applicant shall have two weeks time to file rejoinder affidavit. 12. List on **08.10.2021** before Registrar Court for exchange of pleadings. 13. List before this Bench on **28.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 378 of 2021

Hav Pranav Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Learned counsel for the respondents prays for and is granted one week's further time to file objection. List on **08.09.2021** for hearing on admission. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 78 of 2019

Smt Usha 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present. As prayed by learned counsel for the applicant, list on **25.08.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 7 of 2020

Ex Hav (Clk) Mahendra Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, as a last chance, two week's further time is granted to file counter affidavit. List on **14.09.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 71 of 2020

Smt Vitana Devi 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents, as a last chance, two week's further time is granted to file counter affidavit. List on **15.09.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 144 of 2020

Sub (RT) Ravi Narayan Tripathi 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri KP Datta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. Argument concluded. Order reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 155 of 2020

Ex Sub Subhas Chandra 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. List on **09.11.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 167 of 2020

Ex Nb Sub Fateh Chand 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. List on **10.11.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 174 of 2020

Ex Hony Nb Sub Parimal Das 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present. List on **10.11.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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 2020 with M.A. No 39 of 2020

Ms Arti Singh & another, D/o Late Ex Sep Bijendra 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Navneet Awasthi and Shri Gaurav Chand Kaushik, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. During the course of hearing learned counsel for the applicant submitted that applicant needs to seek amendment in the array of original application as one of the applicant has been married during the pendency of the O.A. Let steps for amendment be taken within a week. With regard to counter affidavit, submission of learned counsel for the respondents is that counter affidavit is ready and may be filed very soon. Let counter affidavit be filed within two weeks failing which opportunity of filing the same shall stand closed. List on **14.09.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 273 of 2020

Ex Nk/ Clk Rakesh 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Learned counsel for the applicant submitted that rejoinder affidavit is ready and he shall file the same in the Registry during course of the day.. List on **15.09.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 417 of 2020

EX Sub Maj Sheo Govind Verma 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. List on **25.08.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 435 of 2020

Ex Sub Ombir 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Om Prakash Kushwaha and Shri KP Datta, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present. List on **11.11.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 713 of 2020

Ex Hav Santosh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Asheesh Agnohotri, Ld. Counsel for the respondents. Learned Counsel for the respondents submits that there are great variances in names of the applicant and his family members and in the date of birth of his (applicant) son. He further submits that entries in service records of soldier is made as per declaration made by him. He further submits that in Counter Affidavit respondents have stated as to when and on what basis entries in applicant's service records were made to which applicant has not filed any rebuttal. In view of aforesaid submissions, a Rejoinder Affidavit is required to be filed. Accordingly, applicant is directed to file Rejoinder Affidavit within a week. List on **24.08.2021** for hearing. Let copy of this order be provided to the learned Counsel of both sides within two days. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 729 of 2020

Ex Sub (Hony Sub Maj) Hari Ram Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kumar Awasthi and Shri Anshuman Srivastava, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. List on **12.11.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

T.A. No 35 of 2013

Hira 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
	13.08.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. List on **27.09.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-