

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

O.A. (A) No. 383 of 2018 with M.A. No. 838 of 2019 & M.A. No. 498 of 2019

Cpl Achchan Shekh through his wife Smt Shaheen Shekh	Applicant
By Legal Practitioner for the Applicant	
Versus	
Union of India & Others	Respondents
By Legal Practitioner for Respondents	

Alongwith

O.A. (A) No. 169 of 2020

Ex Cpl Achchan Shekh	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>14.07.2021</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 applicant and Shri G.S. Sikarwar, learned counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Rejoinder affidavit, if any, may be filed within two weeks.</p> <p>List on 25.08.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all 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. 121 of 2016

Ravi Papnai

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri S.G. Singh, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p>List on 15.09.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all 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>

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Court No.1 (E. Court)

O.A. No. 136 of 2017

Jyoti 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>14.07.2021</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 Onkar Pandey, learned counsel for the applicant and Shri G.S. Sikarwar, learned counsel for the respondents are present.</p> <p>List on 17.09.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all 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>

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

O.A. No. 481 of 2017 with M.A. No. 422 of 2019

Laxman 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>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan and Col R.N. Singh (Retd), learned counsel for the applicant and Shri Kaushik Chatterji, learned counsel for the respondents are present.</p> <p>List on 20.09.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all 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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

O.A. No. 80 of 2018

Warrant Officer Gore Lal

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>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>Office is directed to delete the name of Col Rakesh Johri (Retd) in the cause list as he is no more.</p> <p>List on 25.08.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce all 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
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Court No.1 (E. Court)

O.A. No. 500 of 2018

Sant Ram Maurya

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>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that grievance raised in original application has already been redressed and arrears paid in applicant's account.</p> <p>In view of above, Original Application has rendered infructuous and is, therefore, dismissed being infructuous.</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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Court No.1 (E. Court)

O.A. No 1 of 2019

Hav (MACP Nb Sub) Mrinal Kanti Dan Poddar
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>14.07.2021</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. Chet Narain Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 22.09.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

**Form No. 4
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ORDER SHEET
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Court No.1 (E. Court)**

O.A. No 172 of 2019

Ram Gulam
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>14.07.2021</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 RN Tripathi, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>On the request of learned counsel for the respondents a week's time is granted to file supplementary counter affidavit annexing therewith medical documents.</p> <p>List on 28.07.2021 for hearing.</p> <p style="display:flex; justify-content:space-around;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>

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O.A. No 110 of 2020 with M.A. No 973 of 2019

Ex Sep Badam 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>14.07.2021</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, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant a week and no more time is granted to file rejoinder affidavit.</p> <p>List on 27.07.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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Court No.1 (E. Court)

O.A. No 150 of 2020

Ex Sep Dineshwar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.07.2021</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 DS Tiwari, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>No medical documents have been annexed along with counter affidavit. Learned counsel for the respondents prays for and is granted a week time to file the same.</p> <p>List on 28.07.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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Court No.1 (E. Court)

O.A. No 283 of 2020

Ex Sub (Hony Lt) Bhuri 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>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>List on 25.08.2021 for hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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Court No.1 (E. Court)

O.A. No 423 of 2020

Ex Sub Sarvesh 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>14.07.2021</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 BP Singh (Retd), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 05.10.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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Court No.1 (E. Court)

O.A. No 439 of 2020

Ex Sep Yerramsetty Mangaraju
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>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">List on 05.10.2021 for hearing.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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Court No.1 (E. Court)

T.A. No 700 of 2010 alongwith T.A. No 699 of 2010 &
T.A. No 701 of 2010 (Decided)

**Smt Poonam Srivastava, W/o Anand Kumar
Srivastava (Deceased) & Others**
By Legal Practitioner for the Petitioners

Petitioners

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.07.2021</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 Rohit Kumar, Ld. Counsel for the petitioners and Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 11.08.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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Court No.1 (E. Court)

O.A. No. 321 of 2020

Ex. Nk. Bir Bahadur 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>14.07.2021</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 and Shri Anshuman Srivastava, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <table style="width: 100%; margin-top: 20px;"><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="margin-top: 20px;">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)		

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

O.A. No. 358 of 2021 with M.A. No. 362 of 2021

Ex. Sub. Jadhao Gulab Vasaram
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>14.07.2021</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 Rajiv Narayan Pandey, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri Om Prakash, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As per office note, there is no delay in filing Original Application, therefore, delay condonation application filed by the applicant is dismissed.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 08.09.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 01.10.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
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O.A. No. 360 of 2021 with M.A. No. 364 of 2021

Ex. Swr. Sandeep Bhadauria
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>14.07.2021</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;">Dr. Gyan Singh, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: justify;">Heard Shri Om Prakash, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">As per office note, there is no delay in filing Original Application, therefore, delay condonatin application filed by the applicant is dismissed.</p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on 08.09.2021 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 01.10.2021.</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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ORDER SHEET
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Court No.1 (E. Court)

O.A. No. 366 of 2021 with M.A. No. 371 of 2021

Ex. Sub. (Hony. Sub. Maj.) Ram Nagina 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>14.07.2021</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>Ms. Appoli Srivastava, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>The matter pertains to promotion and there is a delay of 21 years, 06 months and 13 days in filing Original Application in regard to which Ld. Counsel for the respondents submits that she wants to file objection against delay condonation application.</p> <p>Let objection against delay condonation application be filed within two weeks. List on 23.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

O.A. No. 368 of 2021

Ex. Rect. Chhote Lal
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>14.07.2021</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 Sunil Sharma, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 08.09.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 01.10.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

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

Kishan Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri S.C. Kushwaha, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>It is submitted by Shri S.C. Kushwaha, Ld. Counsel for the applicant that due to non receipt of copy of affidavit of compliance he could not file objection against it. He further submitted that respondents Counsel be directed to supply copy of affidavit of compliance so that he may file objection.</p> <p>Respondents are directed to supply copy of affidavit of compliance to Ld. Counsel for the applicant today itself.</p> <p>Applicant is also directed to furnish his e. mail ID to Ld. Counsel for the respondents so that copy of affidavit of compliance may be sent to him.</p> <p>Applicant may file objection, if any, against affidavit of compliance within two weeks.</p> <p>List on 13.08.2021.</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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Court No.1 (E. Court)

Ex. A. No. 118 of 2018 Inre : O.A. No. 302 of 2011

Brijendra 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>14.07.2021</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 Virat Anand Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed, list on 12.08.2021 for physical hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 6 of 2021 Inre : T.A. No. 94 of 2009

Ex. Sep. Sayed Shahid Ali 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>14.07.2021</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 K.K. Misra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant submitted that order under execution has been complied with.</p> <p style="text-align: center;">Accordingly, Execution Application is dismissed in full and final satisfaction.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="text-align: center; width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 20px;">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)		

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

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

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

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that order under execution has been complied with. She further submitted that affidavit of compliance is ready with her and will be filed in the registry during the course of the day.</p> <p>Let affidavit of compliance be filed as said.</p> <p>List on 09.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 290 of 2017

Rajendra 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>14.07.2021</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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>No Supplementary Counter Affidavit has been filed.</p> <p>Respondents to file Supplementary Counter Affidavit within a week else opportunity to file the same shall stand closed.</p> <p>List on 18.08.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 123 of 2020

Ex. WO Badri Nath Trivedi

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>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No 206 of 2017 Inre O.A. (A) No 314 of 2015

Shiv Ram 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>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnohotri, Ld. Counsel for the respondents along with Shri RK Tiwari, Account Officer, PCDA (P), Allahabad are present.</p> <p>Learned counsel for the applicant submitted that order passed by this Tribunal has not been implemented in its spirit as he has been reinstated in the rank of Naik ACP-1 and paid arrears of salary and pension of this rank while he was holding the rank of ACP Hav when he was dismissed from service.</p> <p>In regard to above, submission of learned counsel for the respondents is that rank of ACP Hav and Naik ACP-1 are one and the same.</p> <p>Applicant to file supplementary affidavit that rank of ACP Hav and Naik ACP-1 are not one and the same and their pay band is also different within a week.</p> <p>List on 18.08.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 1 of 2019

Hav (MACP Nb Sub) Mrinal Kanti Dan Poddar
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>14.07.2021</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. Chet Narain Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 22.09.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 172 of 2019

Ram Gulam
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>14.07.2021</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 RN Tripathi, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of learned counsel for the respondents a week's time is granted to file supplementary counter affidavit annexing therewith medical documents.</p> <p style="text-align: center;">List on 28.07.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 389 of 2019

Ex Rect Feroz Khan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.07.2021</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 and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>List on 30.07.2021 for hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 423 of 2020

Ex Sub Sarvesh 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>14.07.2021</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 BP Singh (Retd), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 05.10.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>

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

T.A. No 700 of 2010 alongwith T.A. No 699 of 2010 &
T.A. No 701 of 2010 (Decided)

Smt Poonam Srivastava, W/o Anand Kumar
Srivastava (Deceased) & Others
By Legal Practitioner for the Petitioners

Petitioners

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the petitioners and Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p>List on 11.08.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

T.A. No 55 of 2017

Sgt AK Das
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>14.07.2021</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 Ms. Nisha Pandey and Shri Shiv Kant Pandey, Ld. Counsel for the petitioner and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 26.08.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 319 of 2021

Brig Surajit Basu, SM
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>14.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri KD Nag and Shri R Chandra, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p>2. Objection against interim relief filed by the respondents 1 to 4 is taken on record</p> <p>3. Heard learned counsel for the parties.</p> <p>4. In view of facts stated in affidavit, amendment is allowed. Amendment be incorporated during course of day.</p> <p>5. Aggrieved with no empanelment in list of promotion for the post of Major General in Army Medical Corps by Promotion Board (AFMS) No. 1: AMC held on 23.04.2021, applicant who is in the rank of Brigadier, has filed this application seeking as many as nine reliefs, including relief 8 (vi) to consider his name for promotion in the rank of Major General afresh without taking into consideration the assessment in the ECR for the year 2018 and ACR for the year 2019. In para 7 of the O.A. applicant has stated that he has availed of all the remedies available to him under the prevalent rules and no remedy is available to him under the relevant service Act/Rules/Regulations except to approach the Tribunal.</p>

6. Learned counsel for the respondents 1 to 4 has while raising serious objection against maintainability of O.A. submitted that applicant has filed the present application in violation of Section 21 (I) of the Armed Forces Tribunal Act, 2007 (In short "The Act"). He has submitted that applicant has not preferred statutory complaint against his supersession from promotion for the post of Major General, as required under para 22 of the Promotion Policy of 2016 for AFMS officers, a mandatory requirement under Section 21 (I) of the Act, therefore, O.A. is not maintainable.

7. Learned counsel for the respondents has further submitted that a similar petition in respect of SCR/ACR has also been filed by the applicant in Armed Forces Tribunal, Principal Bench, New Delhi, therefore, present petition also ought to have been filed in the same Bench to avoid conflict of decision, if any, between two Benches of the Tribunal.

8. He has also submitted that petition in respect of relief 8 (VII) being related to transfer of O.A. in respect of this relief is not maintainable in view of proviso (ii) to Section 3 (O) of the Act. However, this relief being deleted today by the applicant, he did not press his submission.

9. In reply, while admitting that no statutory complaint, as provided under para 22 of Promotion Policy for AFMS Officers has been preferred against supersession, learned counsel for the applicant submitted that provisions of Section 21 (I) of the Act are not mandatory, they are directory in nature only, therefore, if the petition has been filed without exhausting remedies available under prevalent Act/Rules/Regulations, application cannot be thrown away for the same being not maintainable. He submitted that next promotion board is to take place again in November 2021 in which applicant will get a chance to face the board for promotion, and in the event of filing non statutory complaint, there is possibility to miss the chance due to adverse remarks recorded in ECR 2018 and ACR 2019, as complaint consumes a lot of time in disposal, therefore, viewing the matter taking stock of situation the O.A. may be treated as maintainable.

10. He has also submitted that petition filed in Armed Forces Tribunal, Principal Bench, New Delhi being against ECR/ACR of another period has nothing to do with present petition.

11. Before advertng to first point regarding maintainability, we would like to take up Section 21 of the Act which deals with circumstances when application may be admitted for hearing. The Section reads as under:-

“21. Application not to be admitted unless other remedies exhausted.—(1) *The Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of the remedies available to him under the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), as the case may be, and respective rules and regulations made thereunder. (2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), and respective rules and regulations—*

(a) if a final order has been made by the Central Government or other authority or officer or other person competent to pass such order under the said Acts, rules and regulations, rejecting any petition preferred or representation made by such person;

(b) where no final order has been made by the Central Government or other authority or officer or other person competent to pass such order with regard to the petition preferred or representation made by such person, if a period of six months from the date on which such petition was preferred or representation was made has expired.”

12. A bare reading of Sub Section (i) of Section 21 shows that ordinarily no application shall be admitted for hearing unless Tribunal is satisfied that applicant had availed of the remedies available to him under the Army Act, 1950 or the Navy Act, 1957 or the Air Force Act 1950, as the case may be, and respective rules and regulations. The legislature’s intent behind incorporating this provision in the Act seems to be not casual, rather, seems to be purposely made so that if any officer feels wronged may approach the appropriate authority and seek redress to his or her complaint. The word “ordinarily” used in Sub Section (I) is not meant to be taken optional on account of its literal meaning treating provision directory. In exceptional cases only, where if

availing of remedies provided in the Act, to which he or she is subject, and rules and regulations made there under may defeat the purpose, application may be filed without exhausting remedies available to him or her.

13. Undisputedly, AFMS follows rules and regulations governing promotions enunciated vide Promotion Policy of 2016 for AFMS, as amended, and para 22 therein reads as under:-

22. Limitation.—*The Tribunal shall not admit an application—*

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 21 has been made unless the application is made within six months from the date on which such final order has been made; (b) in a case where a petition or a representation such as is mentioned in clause

(b) of sub-section (2) of section 21 has been made and the period of six months has expired thereafter without such final order having been made;

(c) in a case where the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which jurisdiction, powers and authority of the Tribunal became exercisable under this Act, in respect of the matter to which such order relates and no proceedings for the redressal of such grievance had been commenced before the said date before the High Court.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may admit an application after the period of six months referred to in clause (a) or clause (b) of sub-section (1), as the case may be, or prior to the period of three years specified in clause (c), if the Tribunal is satisfied that the applicant had sufficient cause for not making the application within such period.

14. On reading para 22 it is clear that if an AFMS officer feels wronged due to supersession by a Promotion Board, which has been approved by the Central Government, he or she may seek redress by way of a statutory complaint. It emphatically says that any representation by way of making a Non Statutory Complaint or any other form will not be tenable.

15. Admittedly, applicant who has been superseded to promotion in the rank of Major General by a Promotion Board, and his supersession has been

approved by the Central Government, has not preferred any statutory complaint, as provided under para 22 of the Promotion Policy, to the Central Government which is mandatory. Therefore, we hold that application is not maintainable.

16. The applicant cannot be permitted filing of application without exhausting remedies available to him under the promotion policy stated above treating it an exceptional case as applicant is not due to retire in few months, rather he is set to retire in 2023.

17. Regarding other two points, it is suffice to say that matter pending in Armed Forces Tribunal, Principal Bench, New Delhi is not one and the same filed in this Tribunal and relief 8 (VII) has been allowed to be deleted. Therefore, application cannot be held maintainable for these reasons.

18. In view of above, O.A. is dismissed being not maintainable with direction that if applicant prefers a statutory complaint, as envisaged in para 22 of the Promotion Policy for AFMS Officers, the respondents shall decide the same by a speaking and reasoned order within a period of six months from the date of receipt of application under intimation to the applicant.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-