

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

O.A. No. 46 of 2021

Ex. Gnr. (DS) Sukhdeep 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Mrs. Kavita Mishra Belaura, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Shri Ashok Singh, Ld. Counsel for the applicant and Mrs. Kavita Mishra Belaura, Ld. Counsel for the respondents are present.</p> <p>During the course of hearing Mrs. Kavita Mishra Belaura, Ld. Counsel appearing on behalf of respondents submitted that Statutory Appeal preferred by the applicant has already been disposed off on 23.11.2020 and, in view of that, Original Application should be dismissed being infructuous.</p> <p>In reply, submission of Ld. Counsel for the applicant is that applicant has not received the copy of letter.</p> <p>Let copy of letter be given to applicant's Ld. Counsel by today itself.</p> <p>With this Original Application is dismissed being infructuous.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>AKD/-</p>

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

O.A. No. 47 of 2021

Ex. Sub. (Clk SD) Gaikwad Sayaji Dadaso 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Ashish Kumar Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 07.04.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 30.04.2021.</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)

Ex. A. No. 02 of 2021 Inre : O.A. (A) No. 98 of 2014

Lt. Col. Subhash Chandra Pandey (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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Kaushik Chatterjee, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>Major Tarun, Departmental Representative is also present and submitted that respondents have filed Special Leave Petition in the Hon'ble Apex Court against the order of this Tribunal on 20.11.2020. He further submits that Special Leave Petition is yet to be listed for hearing and, therefore, a reasonable time be given to bring stay order which is allowed.</p> <p>Let stay order, if any, be filed within four weeks.</p> <p>List on 05.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 29 of 2021 Inre : O.A. No. 214 of 2019

Ex. Sgt. Brijesh Kumar 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Shyam Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Shiv Kant Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 29 of 2021</u></p> <p style="text-align: center;">Submission of Ld. Counsel for the applicant is that in the order dated 11.12.2020 passed by this Tribunal in O.A. No. 214 of 2019 in para 2 date of enrolment of applicant has been typed as 18.11.1976 whereas the correct date of enrolment is 18.11.1996. His further submission is that date of Release Medical Board has been typed as 12.05.2016 whereas the correct date of Release Medical Board is 08.02.2016. Similarly, in para 3 Army has been typed whereas correct word is Air Force. He prays for aforesaid corrections.</p> <p style="text-align: center;">For the reason stated above, the correction application is allowed.</p> <p style="text-align: center;">Accordingly, in paragraph 2 date of enrolment 18.11.1996 in place of 18.11.1976, date of Release Medical Board 08.02.2016 in place of 12.05.2016 and in para 3 Air Force in place of Army have been corrected.</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. 143 of 2017 Inre : O.A. No. 166 of 2017

Smt. Neelam 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>15.01.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Detailed Supplementary Affidavit has been filed by the respondents and the same is taken on record.</p> <p style="text-align: center;">Let objection be filed within two weeks.</p> <p style="text-align: center;">List on 19.02.2021.</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. 271 of 2020

Ex. Sep. Jangle Nana Vitthal
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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Rohit Kumar, 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 21.01.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 291 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. WO Ram Ashray 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. B.P. Singh (Retd.), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>The instant Original Application has been filed for the grant of disability pension with delay of 20 years, 01 month and 21 days.</p> <p>Submission of Ld. Counsel for the applicant is that bar of limitation is not applicable in pensionary matter.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that bar of limitation is not applicable in pensionary matter. We also find that cause shown for the delay is sufficient.</p> <p>Accordingly, we condone the delay, if any.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 56 of 2021</u></p> <p>The matter needs adjudication.</p> <p>Admit.</p> <p>Issue notice to the respondents.</p> <p>Shri Ashish Kumar Singh, Advocate has accepted notice on behalf of the respondents and submitted that Counter Affidavit filed by the respondents be taken on record, which is allowed.</p> <p>List on 25.01.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>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. 305 of 2019

Vijay Pal 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>It is submitted by Shri Anurag Mishra, Ld. Counsel for the respondents that Counter Affidavit has been filed in the registry on 20.11.2020. However, no such Counter Affidavit is available on record.</p> <p>Registry is directed to trace the same and place it on record, if filed.</p> <p>List on 08.02.2021.</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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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

O.A. No. 586 of 2019

Ex. Hony. Capt. Suresh 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. Original Application is allowed. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 60 of 2019 Inre : O.A. No. 630 of 2017

Ex. Hav. Sunil 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>15.01.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Om Prakash, Ld. Counsel for the applicant is present.</p> <p style="text-align: center;">Capt. Priyanka Rathore, Departmental Representative for the respondents is also present and she submits that letter dated 03.11.2020 has already been forwarded to Principal Controller of Defence Accounts (Pension), Allahabad for implementation of the order.</p> <p style="text-align: center;">Let affidavit of compliance be filed within four weeks.</p> <p style="text-align: center;">List on 26.02.2021.</p> <div style="display: flex; justify-content: space-around;"><div style="text-align: center;"><p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p></div><div style="text-align: center;"><p>(Justice Umesh Chandra Srivastava) Member (J)</p></div></div> <p style="text-align: left;">AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
Ex. A. No. 24 of 2017 Inre : T.A. No. 93 of 2010

Prayag Singh Parihar
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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Shri Atul Kumar Dixit, Senior Accounts Officer, Principal Controller of Defence Accounts (Navy), Mumbai is also present in person.</p> <p>Dr. Shailendra Sharma Atal, Senior Central Government Standing Counsel submitted that he is not getting any assistance in cases relating to Navy. As a result he often feels handicapped to assist the Tribunal.</p> <p>Shri Atul Kumar Dixit, Representative of Principal Controller of Defence Accounts (Navy), Mumbai submits that his Office is not responsible for the delay in issuing Corrigendum P.P.O. to the applicant. Rather Naval Officers are responsible for the same. Therefore, cost imposed by the Tribunal is not payable by the Principal Controller of Defence Accounts (Navy), Mumbai.</p> <p>On the last date it was submitted that since Principal Controller of Defence Accounts (Navy), Mumbai is not releasing the fund to make payment of cost, therefore, Principal Controller of Defence Accounts (Navy), Mumbai was directed to send some responsible officer today to clarify the position. This shows that both, the Naval Officers as well as Principal Controller of Defence Accounts (Navy), Mumbai are rolling the ball from one side to other. As a result precious time of the Tribunal is being wasted.</p> <p>In the circumstances, we feel it appropriate to get the matter inquired by some senior officer to find out as to who is responsible for not</p>

complying with the order.

Let matter be investigated by some responsible officer of the Navy who shall hold inquiry into the matter and conclude the same within a period of four months from today and the Tribunal be apprised about the same by filing report in sealed cover.

List on **25.05.2021** for further hearing.

In the meantime, respondents are directed to deposit the cost, failing which action would be initiated against the concerned officials.

Let a copy of this order be sent to The Chief of the Naval Staff for information.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
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. 529 of 2019 with M.A. No. 179 of 2020, M.A. No. 820 of 2019

Ex. Hony. Nb. Sub. Bhik 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
<p><u>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Shri Arun Kumar Sahu, Ld. Counsel for the respondents submitted that applicant's grievance raised in the Original Application has been addressed and P.P.O. has been issued.</p> <p style="text-align: justify;">Shri Parijat Belaura, Ld. Counsel for the applicant also admits the aforesaid facts.</p> <p style="text-align: justify;">In view of above, Original Application is liable to be dismissed as infructuous.</p> <p style="text-align: justify;">Accordingly, Original Application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>	

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

O.A. No. 280 of 2020

Ex. Hav. (Hony. Nb. Sub.) Netra Pal
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>15.01.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection.</p> <p style="text-align: justify;">With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p style="text-align: justify;">Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: justify;">(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. 562 of 2019 with M.A. No. 855 of 2019

Ex. Nb. Sub. Manoj Kumar Dwivedi
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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>As prayed, let Rejoinder Affidavit be filed during the course of the day.</p> <p>List on 23.02.2021 for final hearing.</p> <p>(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)

M.A. No. 549 of 2019 Inre O.A. No. (Nil) of 2019

Ex Hav Raghavendra Nath 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p>There is delay of 1 year, 03 months & 16 days in filing Original Application.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 57 of 2021</u></p> <p>1. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-</p> <p>“(a) Issue/pass an order or direction to appropriate nature to the respondents to set-aside/quash the order dated 10 August 2017 (Annexure No. A-1) passed by Rajput Records, respondent No. 3 vide which the disability pension claim of the applicant has been arbitrarily and illegally rejected.</p> <p>(b) Issue/pass an order or direction of appropriate nature to the respondents to grant disability pension to the applicant from the date of</p>

discharge i.e. 31.05.2017.

(c) Issue/pass any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.

(d) Allow this application with exemplary costs."

2. Brief facts of the case are that the applicant was enrolled in the Indian Army on 23.05.1993 and after rendering 24 years and 09 days service he was discharged from service on 31.05.2017 (AN) in low medical category under Rule 13 (3) III (i) (a) of Army Rules 1954. Prior to discharge, Release Medical Board (RMB) was conducted and applicant's disability "**PULMONARY TUBERCULOSIS**" was assessed @ 14% for life attributable to military service. Disability pension claim of the applicant was rejected vide order dated 10.08.2017. Being aggrieved by denial of disability pension, the applicant has filed the present original application.

3. Learned counsel for the applicant submitted that applicant was found fit in all respects at the time of enrolment in the Army and there was no note in his primary service documents with regard to any disease/disability. Therefore, whatever disease with which applicant suffered during service is attributable to military service as has been rightly assessed by RMB. Learned counsel for the applicant relied upon the Hon'ble Supreme Court judgments in the case of **Dharamvir Singh vs. Union of India & Ors** (2013), SCC 316, **Veerpal Singh vs. Ministry of Defence**, reported in (2013) 8 SCC 83 and **Sukhvinder Singh vs. Union of India** reported in (2014) 14 SCC 364 and pleaded that disability pension be granted to the applicant.

4. On the other hand, learned Counsel for the respondents submitted that applicant is in receipt of service pension vide PPO No 163201700486 and has been denied the disability pension on the ground that his disability is less than 20%. He further emphasised that competent authority has rightly rejected the disability pension claim in terms of Regulation 173 of Pension Regulations for the Army 1961 (Part-1) and Para 53 (a) of Pension Regulations for the Army, 2008 (Part I) which reads as under:-

"An individual released/retired/discharged on completion of term of engagement or on completion of service limits or on attaining the prescribed age (irrespective of his period of engagement), if found suffering from a disability attributable to or aggravated by military service and so recorded by Release

Medical Board, may be granted disability element in addition to service pension or service gratuity from the date of retirement/discharge, if the accepted degree of disability is assessed at 20 percent or more.”

Learned counsel for the respondents further submitted that since the applicant was discharged on completion of terms of engagement and percentage of disability in this case is less than 20%, therefore, applicant is not entitled to disability pension and O.A. deserves to be dismissed.

5. We have heard learned counsel of both sides and found that moot question involved in this case is whether disability pension is payable to an incumbent whose disability is less than 20% and if he was discharged on completion of terms of engagement?

6. A bare reading of Para 53 (a) of Pension Regulations makes it abundantly clear that an individual being assessed disability below 20% is not entitled to disability element irrespective of disability being attributable to or aggravated by the military service. Further, the Hon'ble Supreme Court in Civil Appeal No 10870 of 2018 ***Union of India & Ors vs Wing Commander SP Rathore***, has made it clear vide order dated 11.12.2019 that disability element is inadmissible when disability percentage is below 20% and the individual is discharged on completion of terms of engagement.

7. In view of above, the O.A. is liable to be dismissed and is therefore **dismissed.**

8. No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

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

O.A. No. 159 of 2017

Smt Maha Kali
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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri RK Mishra, learned counsel for the applicant and Mrs Deepti Prasad Bajpai, learned counsel for the respondents are present.</p> <p>Supplementary counter affidavit filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted six weeks time to file supplementary rejoinder affidavit.</p> <p>List on 15.04.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 204 of 2019

Ex Rect Abanish 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is allowed to file counter affidavit during the course of the day.</p> <p>List on 22.04.2021 for final hearing.</p> <p>In the meantime, rejoinder affidavit, if any, may be filed by applicant.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 77 of 2016

Brig SK Sharma (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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri SS Pandey and Shri SS Rajawat, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that SLP filed against order dated 13.05.2016 was listed for hearing in the Hon'ble Apex Court on 13.01.2021. It is also submitted that service of notice in the said appeal has been held sufficient upon the respondent Nos 3 to 5.</p> <p>In view of the above, list the matter on 31.05.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

Dy No. 1619 of 2017 with M.A. No. 432 of 2020,
M.A. No. 103 of 2020 Inre O.A. (Nil) of 2017

Ex JWO Bharat Prasad
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.01.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri VP Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p style="text-align: center;"><u>M.A. No. 103 of 2020</u></p> <p>It is submitted by learned counsel for the applicant that since applicant does not intend to press amendment application, therefore the same may be dismissed as withdrawn.</p> <p>Accordingly, M.A. No. 103 of 2020 is dismissed as withdrawn.</p> <p style="text-align: center;"><u>M.A. No. 432 of 2020</u></p> <p>As regards aforesaid amendment application, applicant has not served copy of this application to learned counsel for the respondents. He is, therefore, directed to serve the copy today itself, thereafter respondents may file objection, if any, within two weeks.</p> <p style="text-align: center;">List on 12.02.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

EX-A/12 of 20219 Inre O.A. No. 46 of 2017
with M.A. No. 35 of 2021

Maj (Retd) BS Rawat
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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri VP Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p style="text-align: center;"><u>M.A. No. 35 of 2021</u></p> <p>This is an application for correction of order dated 10.12.2020. The application is allowed and order is corrected as under:-</p> <p>For <u>Ex Sep Maj (Retd) B.S. Rawat</u> Read <u>Ex Maj (Retd) B.S. Rawat</u> Aforesaid M.A. is disposed of. List on 02.02.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

Ex-A/30 of 2020 Inre O.A. No. 266 of 2018

Ex Sep Jadhav Nilesh Dinkar
 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u> </p> <p> On the case being taken up for hearing Shri Vinay Pandey, learned amicus curiae counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present. </p> <p> On the request of learned counsel for the respondents two weeks further time is granted to file affidavit of compliance. </p> <p> List on 16.02.2021. </p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>rathore</p>

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

O.A. No. 429 of 2017

Pramod 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents are present.</p> <p>Supplementary counter affidavit filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted two weeks time to file rejoinder affidavit.</p> <p>It is also submitted that cost imposed vide order dated 01.10.2020 has been deposited.</p> <p>List on 19.02.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

Ex-A/57 of 2019 Inre O.A. No. 381 of 2017

Smt Kamil Nisa W/O Sep (Late) Irshad 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virendra Kumar Gupta, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Objection, if any, against the same may be filed by the applicant within two weeks.</p> <p>List on 15.02.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

M.A. No. 479 of 2020 Inre O.A. (Nil) of 2020

Ex Hav Parmanand 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
rathore	<p><u>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg Cdr SN Dwivedi (Retd), learned counsel for the applicant and Shri Manu Kumar Srivastava, learned counsel for the respondent No 1-4 are present.</p> <p>Learned counsel for the applicant submitted that applicant is not aggrieved against respondent No. 1-4 as they have not only addressed applicant's grievances but they have issued PPO also. He further submitted that applicant's grievance is against respondent No. 5 only as it has not furnished any details of the arrears.</p> <p>Issue notice to respondent No. 5 returnable within four weeks.</p> <p>List on 16.03.2021.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J) </p>

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

Ex-A/24 of 2020 Inre O.A. No. 126 of 2019

Ex Sub Raj Narain Tiwari 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the applicant and Shri RKS Chauhan, learned counsel for the respondents are present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant submits that he has no objection regarding compliance report.</p> <p>We have gone through the affidavit of compliance filed by the respondents and we find that order under execution has been complied with.</p> <p>Accordingly, execution application is dismissed in full and final satisfaction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 388 of 2019

Hony Nb Sub Hanuman Prasad
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.01.2021</u></p> <p><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></p> <p><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 Mrs Deepti Prasad Bajpai, learned counsel for the respondents are present.</p> <p>Shri Yashpal Singh, learned counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No.1(13)/2016/D (Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Mrs Deepti Prasad Bajpai, learned counsel for the respondents has no objection.</p> <p>With the consent of learned counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D (Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p>Let a copy of this order be provided to the learned counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

M.A. No. 419 of 2020 Inre O.A. No. 593 of 2020

Lt Col Balram 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ajay Kumar Pandey, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents are present.</p> <p>List on 21.01.2021 for hearing.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. (A) No 292 of 2016

Shaik Shabber

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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri GK Gaur, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 03.03.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No 333 of 2018

Smt Jamwanti Devi
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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Mayankar Singh, learned counsel for the applicant and Asheesh Agnihotri, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 04.03.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 14 of 2018

Ex Cfn Shiv Ram Dohre

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rajneesh Kumar Verma, learned counsel for the petitioner and Mohd Zafar Khan, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 05.03.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O. A. No 235 of 2019

Ex Sep Rajveer 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>1. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-</p> <p style="padding-left: 40px;">(I) <i>The Hon'ble Tribunal may be pleased to direct the respondents to provide the copy of Release Medical Board proceeding dated 24.09.2007 from respondents.</i></p> <p style="text-align: center;">Or</p> <p style="padding-left: 40px;">(II) <i>The Hon'ble Tribunal may be pleased to direct the respondents to organize Release Medical Board and further claim for disability pension can be processed on the basis of outcome/findings of Release Medical Board.</i></p> <p style="padding-left: 40px;">(III) <i>Any other appropriate order or direction which this Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case including cost of the litigation.</i></p> <p>2. Briefly stated facts of the case are that applicant was enrolled in the Indian army on 15.09.2002 as a musician in The Rajput Regiment and was discharged from service on 30.09.2007 in low medical category for disease 'Vertiginous Epilepsy' under Rule 13 (3) Item III (iv) of the Army Rules, 1954, after having rendered about seven years of service. The records show that applicant during his service in the army has been a habitual offender and was punished three times viz. 28 days Rigorous Imprisonment, 28 days Rigorous Imprisonment and 07 days Rigorous Imprisonment for absenting himself</p>

without leave. On 31.07.2007 he submitted an application for premature discharge alongwith a certificate that he will not claim disability pension and accordingly he was discharged from service. The records also reveal that though the applicant was directed to report to MH Fatehgarh for conducting Release Medical Board (RMB) but it was not conducted. Prior to this the applicant had filed a writ petition No 25287 of 2008 before Hon'ble High Court Allahabad against order dated 08.01.2008 passed by General Officer Commanding, Uttar Bharat Area which was transferred to this Tribunal and numbered as T.A. No. 625 of 2010. The petition was allowed on 04.02.2016 and impugned order dated 08.01.2007 was set aside with the directions to authorities concerned to decide his statutory complaint afresh. His case was reconsidered and statutory petition was dismissed by a speaking and reasoned order. O.A. No. 164 of 2016 was also filed by the applicant to this Tribunal to challenge his discharge order dated 30.09.2007 which was dismissed by order dated 22.05.2018. Now the present O.A. has been filed by applicant for providing copy of RMB or issuance of direction to respondents to conduct RSMB.

3. Learned counsel for the applicant pleaded that applicant is not in possession of RMB which ought to have been carried out prior to discharge, and in the absence of it, applicant is unable to process his disability pension claim. As per AFMSF-15 dated 21.09.2007 disability of applicant is 20%.

4. Per contra, learned counsel for the respondents contended that applicant, prior to discharge, was directed to report to MH, Fatehgarh for conduct of his RMB but he failed to undergo and he seems to have been discharged from service without conducting RMB as it could not be traced after thorough search.

5. We have heard learned counsel for both sides and perused the material placed on record.

6. After thorough scrutiny we have found that the applicant was discharged from service at his own request and as per recategorisation medical board proceedings dated 21.09.2007 the applicant was in low medical category with

disability @ 20%. It is an admitted fact that the applicant was a habitual offender and was punished thrice prior to discharge. It is also submitted that prior to discharge, RMB was required to be conducted on applicant as he was in low medical category. The respondents say that the applicant is at fault for not undergoing RMB and applicant is rolling ball on side of the respondents, but it is an admitted fact that the RMB seems to have not been conducted on applicant as respondents have not been able to trace out the same.

7. In view of the above, we **allow** the O.A. directing the respondents to carry out RSMB on applicant within four months from today to decide his present medical category.

8. No order as to costs.

9. Pending applications, if any, are disposed of accordingly.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

rathore

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

O.A. No. 218 of 2016

Shitla Prasad 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri S Chandra, learned counsel for the applicant and Mrs Deepti Prasad Bajpai, learned counsel for the respondents are present.</p> <p style="text-align: justify;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: justify;">List on 24.03.2021 for hearing.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 383 of 2019

Hav/Clk Gurjant 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>15.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg Cdr SN Dwivedi (Retd), learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents are present.</p> <p>List on 02.02.2021 for physical hearing at 02.30 pm.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>rathore</p>