

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

O.A. No. 126 of 2020

Ex. Sgt. Anupam Shukla
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>15.02.2021</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 Shyam 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)

O.A. No. 648 of 2020

Amar 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>15.02.2021</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. Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>2. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:-</p> <p style="padding-left: 40px;">(I) To issue/pass order directing the respondent by summoning the Medical Board proceeding as regard to re-assessment of disability percentage.</p> <p style="padding-left: 40px;">(II) To issue/pass order directing the respondent to continue paying the disability pension as per re-assessment of disability percentage.</p> <p style="padding-left: 40px;">(III) Any other relief as considered proper by this Hon'ble Tribunal be awarded in favour of the applicant.</p> <p style="padding-left: 40px;">(IV) Cost of the appeal be awarded to the applicant.”</p> <p>3. During the pendency of Original Application, vide letter dated 21.12.2017 issued by Sena Vayu Raksha Abhilekh, Army Air Defence Records by means of which applicant has been communicated that RSMB held on 28.02.2017 has accepted disability 40% for life and P.P.O. was issued accordingly. In view of above the applicant has filed a Supplementary Affidavit with amendment and has prayed to add prayer (I)(a) as under :-</p> <p style="padding-left: 40px;"><i>“To issue/pass order directing the respondent to round off the disability from 40% to 50% for life”.</i></p> <p>4. Briefly stated facts of the case are that the applicant was enrolled in Indian Army on 30.09.1982 and was discharged from service from 01.05.1998 in low medical category being not upto the prescribed military physical standard. The Release Medical Board identified his disability “NEUROSIS-ICD-300 V-67 ” and assessed it @ 20% for two years neither attributable to nor</p>

aggravated by military service (NANA). Earlier the applicant had preferred Writ Petition which was transferred to this Tribunal and re-numbered as T.A. No.1284 of 2010. The said T.A. was allowed vide order dated 15.10.2015 by this Tribunal and applicant was held entitled for disability pension @20% for two years from the date of discharge and respondents were also directed to refer the case to Re-Survey Medical Board for re-assessing the medical condition of the applicant for further entitlement of disability pension. Accordingly, P.P.O. was issued by the Principal Controller of Defence Account (Pension), Allahabad. Thereafter, Re-Survey Medical Board (RSMB) was held on 28.02.2017 wherein the disability has been assessed @40% for life. Accordingly, P.P.O. was issued by the Principal Controller of Defence Account (Pension), Allahabad. Presently the applicant is in receipt of 40% disability pension for life and has moved this Original Application for grant of benefit of rounding off of disability pension from 40% to 50% for life.

5. Ld. Counsel for the applicant argued that since the applicant is already in receipt of 40% disability element for life, therefore, in view of the Hon'ble Apex Court judgment in the case of **Union of India and Ors vs Ram Avtar & ors** (Civil appeal No. 418 of 2012 decided on 10th December 2014), the applicant is also entitled to benefit of rounding off of disability element @ 50% for life.

6. On the other hand, though Ld. Counsel for the respondents conceded receipt of 40% disability element by the applicant but contended that the applicant is not entitled to the benefit of rounding off of disability pension on the ground that the applicant's services were not cut short as he was not invalidated out on account of his disability. In the instant case the applicant was discharged from service on completion of his terms of engagement, therefore, the Ld. Counsel claimed that he is not eligible for the benefit of rounding off.

7. The law on the point of rounding off of disability pension is no more RES INTEGRA in view of the Hon'ble Supreme Court judgment in the case of **Union of India and Ors vs Ram Avtar & ors** (Civil appeal No 418 of 2012 decided on 10th December 2014) wherein the Hon'ble Apex Court has noded in disapproval of the policy of the Government of India in granting the benefit of rounding off of disability pension only to the personnel who have been invalidated out of service and denying the same to the personnel who have retired on attaining the age of superannuation or on completion of their tenure of engagement. The relevant portion of the decision is excerpted below:-

“4. By the present set of appeals, the appellant (s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No 1(2)/97/D (Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard Learned Counsel for the parties to the lis.

6. *We do not see any error in the impugned judgment (s) and order(s) and therefore, all the appeals which pertain to the concept of rounding off of the disability pension are dismissed, with no order as to costs.*

7. *The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.*

8. *This Court grants six weeks' time from today to the appellant(s) to comply with the orders and directions passed by us."*

8. In the instant case, there is no dispute that applicant is in receipt of 40% disability element for life as this fact has been accepted by the respondents. In view of the settled law on this matter, we are of the considered opinion that the applicant is entitled to the benefit of rounding off to 50% for life with effect from 01.01.2016 i.e. the date from which applicant was allowed disability element @40% for life.

9. In view of the above, the Original Application No. 648 of 2020 is allowed. The applicant is held entitled to the benefit of rounding off of disability element from 40% for life to 50% for life with effect from 01.01.2016 i.e. the date from which applicant was allowed disability element @40% for life. The respondents are directed to give effect to this order within a period of four months from the date applicant submits mandatory documents alongwith certified copy of this order. Defaults will invite interest @ 8% per annum from the due date till actual payment.

10. No order as to costs.

(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)

Ex. A. No. 114 of 2018 Inre : O.A. No. 245 of 2015

Ajay Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.02.2021</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. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents along with Maj. Sini Thomas, Departmental Representative are present.</p> <p>Applicant Ajay Kumar Tiwari is also present in person in the Tribunal and he filed an affidavit in which he has stated that his mother fell severely ill on 26.01.2021 and he was compelled to get her necessary treatment since his father was not at home and his both brothers had separated long back from him and his parents and not even on talking terms. He also submitted that he has come today with bag and baggage and is ready to report to duty, if directed by the Tribunal.</p> <p>Considering the facts and circumstances of the case as well as facts stated in affidavit filed today, we are of the view that applicant may be given one more opportunity as last chance to report the duty. Accordingly, we direct him to report Artillery Records, Nasik Road on 19.02.2021 without fail. It is also directed that in case applicant reports his duty to Artillery Records, Nasik Road before mid-night on 19.02.2021, the Artillery Records will take him on strength without any excuse and respondents shall file affidavit of compliance in this regard within two weeks from the date of joining.</p> <p style="text-align: center;">List on 03.03.2021.</p> <p>Let a copy of this order be provided to applicant as well as Ld. Counsel for the respondents for compliance by today itself.</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. 75 of 2018 Inre : T.A. No. 1366 of 2010

Kamal Singh Rautela
 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>15.02.2021</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 K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Major Tarun, Departmental Representative is also present from the side of respondents and he submits that some more time be given to the respondents to seek instructions as directed.</p> <p style="text-align: center;">Three weeks further time is granted to seek instructions.</p> <p style="text-align: center;">List on 16.03.2021.</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>

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

Ex. A. No. 57 of 2019 Inre : O.A. No. 381 of 2017

Smt. Kamil Nisa W/o Sep (Late) Irshad Ali	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>15.02.2021</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 Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Shri Rajeev Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Allahabad is also present and he submitted that in compliance of order under execution not only the P.P.O. has been issued on 06.06.2019 but arrears Rs.5,25,749/- has been credited in applicant's account besides applicant getting pension @Rs.10,601/- per month. He also submitted that there is a mentioned of interest payable to the applicant @9% in Note Column of the P.P.O. as directed by the Tribunal.</p> <p style="text-align: justify;">In view of above, order seems to be complied with.</p> <p style="text-align: justify;">Accordingly, Execution Application is dismissed in full and final satisfaction.</p> <table style="width: 100%; text-align: center; margin-top: 20px;"> <tr> <td style="width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td> <td style="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)		

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Court No.1 (E. Court)

Ex. A. No. 73 of 2019 with M.A. No. 588 of 2019 Inre : O.A. No. 612 of 2017

Ex. Gnr. C.K. Shrivastava
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>15.02.2021</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 Thakur Balram Ji Srivastava, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Affidavit of compliance has been filed by the Ld. Counsel for the respondents which is taken on record.</p> <p>Since copy of affidavit of compliance has not been served to the applicant's Counsel, respondents are directed to serve its copy to applicant's Ld. Counsel through WhatsApp/E. Mail so that he may file objection, if any.</p> <p>On copy being received applicant may file objection, if so desire, within two weeks.</p> <p>List on 05.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Ex. A. No. 108 of 2019 Inre : O.A. No. 182 of 2019

Ex. Gdr. Narendra 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>15.02.2021</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 Shiv Dayal Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Affidavit of compliance filed today by the Ld. Counsel for the respondents which is taken on record.</p> <p style="text-align: center;">Since copy of affidavit of compliance has not been served to the applicant's Counsel, respondents are directed to serve its copy to applicant's Ld. Counsel through WhatsApp/E. Mail so that he may file objection, if any.</p> <p style="text-align: center;">On copy being received applicant may file objection, if any, within two weeks.</p> <p style="text-align: center;">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>

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

Ex. A. No. 113 of 2019 Inre : O.A. No. 435 of 2018

Ex. Eh. EAP Shankar Bahadur Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.02.2021</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 none appears for the applicant nor is there any mention to pass over the case.</p> <p>Shri R.K.S. Chauhan, Ld. Counsel for the respondents is present and he submits that order has been complied with.</p> <p>We have gone through the copy of Corrigendum P.P.O. annexed with affidavit of compliance and we find that order has been complied with.</p> <p>Execution Application is, therefore, dismissed in full and final satisfaction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

M.A. No. 443 of 2019 Inre4 : O.A. No. (Nil) of 2019

Ex. Cpl. Ramdhan Tripathi through his Wife Smt. Sushila Tripathi Applicant
 By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
 By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>During the course of hearing Ms. Anju Singh, Ld. Counsel appearing on behalf of respondents submitted that objection of delay condonation application as well as Counter Affidavit filed in this case do not belong to this case, therefore, same be returned with liberty to file a fresh which is allowed.</p> <p>Let objection to delay condonation application as well as Counter Affidavit be returned to respondents with liberty to file a fresh within two weeks from today.</p> <p>List on 05.04.2021.</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)

M.A. No. 384 of 2020 with M.A. No. 385 of 2020 Inre : O.A. No. 239 of 2011

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>15.02.2021</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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Ashok Kumar Mishra, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 384 of 2020 with M.A. No. 385 of 2020</u></p> <p>There is a delay of 08 years, 03 months and 22 days in filing recall application.</p> <p>Submissions of Ld. Counsel for the applicant is that when applicant, who is a poor Widow, filed Original Application for the grant of family pension as well as disability pension on 23.08.2011 it was not in her notice that Second Appeal preferred against rejection of claim and First Appeal had been dismissed on 12.06.2008. Applicant came to know about rejection of Second Appeal during pendency of Original Application and therefore Tribunal directed to bring necessary amendment in the Original Application regarding rejection of Second Appeal. However, the then Counsel of the applicant did not take necessary steps in this regard, rather got the Original Application dismissed in default on 20.03.2012 which was also not communicated to the applicant. He further submitted that applicant came to know about dismissal of Original Application much after the order in this regard was passed. Thereafter, she contacted new Counsel who inspected the records and advised her to file recall application. Thus, he submitted that delay in filing application is not deliberate, but for the reasons stated above.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that explanation of delay offered by the applicant is not sufficient.</p> <p>Having heard submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case and also that applicant is a poor widow who is fighting the claim for grant of family pension as well as disability pension since 2011, we feel that cause shown is sufficient.</p>

Accordingly, we **concone** the delay.

In view of aforesaid, recall application is **allowed** and order dated 20.03.2012 passed in Original Application No. 239 of 2011 is **recalled**.

Let Original Application be restored to its number.

O.A. No. 239 of 2011

Ld. Counsel for the applicant prays for and is allowed two weeks time to file amendment application.

List on **22.03.2021**.

(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. 73 of 2018

Smt. Bobby 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>15.02.2021</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 R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>List on 15.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 328 of 2019

Ex. Sep. Sobran 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>15.02.2021</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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of Circular No. 570 dated 31.10.2016 issued by Principal Controller of Defence Accounts (Pension), Allahabad, to which Ld. Counsel for the respondents has no objection.</p> <p style="text-align: center;">With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application with the direction to the respondents to revise the pension of applicant in terms of Circular No. 570 dated 31.10.2016 issued by the Principal Controller of Defence Accounts (Pension), Allahabad, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p style="text-align: center;">Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) 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. 384 of 2019

Sep. Bharat Babu Kokare
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>15.02.2021</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 Ram Chandra Tripathi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>List on 15.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 479 of 2019

Smt. Krishna Devi W/o Ex. Sep. (Late) Jagdish Prakash Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.02.2021</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 none appears on behalf of the applicant.</p> <p>Ms. Anju Singh, Ld. Counsel for the respondents is present and she submits that despite applicant being asked to furnish pension documents vide letter dated 20.10.2020 she has not yet submitted the same on account of which the matter of grant of family pension could not be processed. She further submits that applicant may be directed to furnish required documents at earliest with one set of copies of documents to her also so that matter may be processed.</p> <p>Accordingly, applicant is directed to submit required documents to the Office of Respondents within two weeks from today with one set of copies of documents to learned Counsel for the respondents also.</p> <p>List on 23.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 90 of 2020 with M.A. No. 932 of 2019

Ex. Dfr. (Hony. Nb. Ris.) Kishori 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>15.02.2021</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 Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection.</p> <p style="text-align: center;">With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p style="text-align: center;">Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) 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. 101 of 2020 with M.A. No. 977 of 2019

Ex. Sub. Rajesh 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>15.02.2021</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.P. Datta, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit filed today in the Court by the respondents is taken on record.</p> <p>Ld. Counsel for the applicant submitted that applicant has to move an amendment application to amend the Original Application, therefore, a reasonable time be given for the same.</p> <p>Amendment application as well as Rejoinder Affidavit, if any, may be filed within two weeks.</p> <p>List on 22.03.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 113 of 2020 with M.A. No. 883 of 2019

Ex. Sep. Babu Ram
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>15.02.2021</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 Amit Verma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the applicant submitted that since applicant has died, time be provided to him to take steps for moving substitution application.</p> <p style="text-align: center;">Let substitution application be filed.</p> <p style="text-align: center;">List on 28.04.2021.</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)

O.A. No. 303 of 2020

Ex. Hav. (Hony. Nb. Sub.) Swami Nath Rai 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>15.02.2021</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 Parijaat Belaura, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p> Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection.</p> <p> With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p> Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (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. (A) No. 175 of 2019

Shankar Dutt Bhatt 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>15.02.2021</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 KKS Bisht, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents are present.</p> <p>Rejoinder affidavit filed by learned counsel for the applicant is taken on record.</p> <p>List on 29.04.2021 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. 378 of 2010

Mukesh Kumar

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>15.02.2021</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 Arun Kumar, learned counsel for the petitioner 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 24.02.2021 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. 1053 of 2010

**Pitambar Datt Nainwal
(deceased) through his wife
Smt Kalawati Devi**

Petitioner

By Legal Practitioner for the Petitioner

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.02.2021</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 SK Singh, learned counsel for the petitioner and Shri Ashish Kumar Singh, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 24.03.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

rathore

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

T.A. No. 4 of 2019

Virendra Singh

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>15.02.2021</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 Nand Kishore Vuttsya, Shri Hemendra Pratap Sijng, learned counsel for the petitioner and Shri Adesh Kumar Gupta, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 30.04.2021 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. 130 of 2017

Ashok Kumar Kushwaha
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>15.02.2021</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 Sachindra Pratap Singh and Shri Yashpal Singh, learned counsel for the applicant and Shri Kaushik Chatterji, learned counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 23.04.2021 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. 230 of 2017

Smt Urmila Devi Chauhan
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>15.02.2021</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, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents seeks and is allowed two weeks time to bring complete original documents for the perusal of Bench.</p> <p>List on 16.03.2021 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. 272 of 2018

Prem Kishore

By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.02.2021</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, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents are present.</p> <p>List on 06.04.2021 for hearing.</p> <p>(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. 462 of 2018

Smt Ram Maya Thapa W/O

Lil Bahadur Thapa

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>15.02.2021</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 Amit Verma and Shri BB Tripathi, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents are present.</p> <p>List on 23.03.2021 for hearing.</p> <p>(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. 606 of 2018

Raghuveer Singh Tomar
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>15.02.2021</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 KK Misra, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents are present.</p> <p style="text-align: center;">List on 14.04.2021 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. 166 of 2019

Ex Rect Vinod 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>15.02.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, list on 18.02.2021 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. 172 of 2020

Ex Nk Saroj Kumar Mishra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.02.2021</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, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents are present.</p> <p style="text-align: center;">List on 18.05.2021 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. 731 of 2020 alongwith M.A. No. 443 of 2020

Maj Vinay 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>15.02.2021</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 YR Sharma (Retd), learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>As prayed for learned counsel for the applicant, list on 18.02.2021 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)

Ex.A. No. 30 of 2018 Inre O.A. No. 119 of 2017

Smt. Rajwati 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>15.02.2021</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 Angrej Nath Shukla, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Supplementary affidavit regarding 'Instructions on Compassionate Appointment' filed by learned counsel for the respondents is taken on record.</p> <p>In the present case, O.A. No. 119 of 2017 was filed by the applicant for compassionate appointment after the death of her husband in the year 2011. The O.A. was disposed of by this Tribunal vide order dated 24.04.2017 with the directions to the competent authority to decide the application of the applicant for appointment on compassionate grounds by a speaking and reasoned order within a period of three months.</p> <p>Accordingly, a reasoned speaking order dated 13.09.2017 was passed by the respondents. Para 5 of order reads as below :-</p> <p><i>"5. WHEREAS, your name has been included in the list of dependant of the deceased Govt. servant who have applied for compassionate appointment. The appointment will be decided by a Board of Officer and your case for compassionate appointment will be considered on the merit of the case with dependent of other deceased persons in next board only."</i></p> <p>Thereafter, applicant filed first Execution application No. 142 of 2017 for compliance of order dated 24.04.2017 which was dismissed as infructuous on the intimation that her name has been included for appointment on compassionate grounds and appointment will be decided by the Board of Officers but nothing has been done.</p> <p>Thereafter, present Ex. Application No. 30 of 2018, which is second Ex. Application, has been filed. Vide order dated 15.05.2018, respondents were directed to take immediate decision on the application of the applicant and to dispose of the same by a speaking and reasoned order by the next date</p>

i.e. 10.07.2018, failing which cost of Rs. 10,000/- was to be deposited.

On the next date i.e. 10.07.2018, following order was passed :-

“Learned counsel for the respondents is hereby directed to file an affidavit as to how many times the case of the applicant has been considered for compassionate appointment. The submission of the learned counsel for the respondents is that present vacancy for appointment on compassionate ground has been ceased by the Ministry of Defence and no vacancy is in existence for consideration of the applicant on compassionate appointment. He further submitted that applicant has been empanelled in the list, however, for want of vacancy, she could not be considered.

Respondents are directed to file an affidavit on this matter indicating following aspects i.e. number of chances the applicant has already been considered after submission of her application for compassionate appointment, how many chances are left as per policy for being considered for compassionate appointment; what is the date when last Board was held for compassionate appointment; since which date and vide which letter, MOD has ceased vacancy for compassionate appointments and when is the applicant likely to be considered again in future.”

Since then only assertion is given by the respondents and no progress is seen in the case. During the course of hearing, it was also submitted by learned counsel for the respondents that a Board of Officers in respect of Artillery Regiment was held sometime back but no reply was given for compassionate appointments of dependents of deceased soldiers for civilian posts particularly in respect of Bengal Engineer Group.

Therefore, respondents are directed to file complete reply through an affidavit positively within four weeks from today mentioning therein that from the date representation of the applicant was decided till today, any Board of Officers held nor not; any dependent family of deceased soldiers appointed on compassionate grounds or not and what is the possibility for consideration of appointment of applicant in near future.

List on **09.04.2021** for orders.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB