

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

**O.A. No. 123 of 2019**

**Ex. Rect. Mohd. Sarfaraj**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">Heard Shri Om Prakash, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align:center">Original Application is <b>dismissed</b>.</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"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

Diary No. 1885 of 2021

<b>Ex. Gnr. Ram Chander</b> By Legal Practitioner for the Applicant	<b>Versus</b>	Applicant
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>15.09.2021</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Shri Arvind Kumar Pandey, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is submitted by Shri Vinay Pandey, Ld. Counsel appearing on behalf of applicant that delay condonation application shall be filed today in the registry during the course of the day.</p> <p style="text-align: center;">List on <b>24.09.2021</b>.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</div><div style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</div></div> <p style="margin-top: 20px;">AKD/-</p>

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

**O.A. No. 528 of 2021 with M.A. No. 555 of 2021**

**Ex. Cpl. Atul Pratap Singh Tomar** 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><b>15.09.2021</b></u> <u><b>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>Shri G.S. Sikarwar, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p>Heard Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p>There is a delay of 01 year, 04 months and 06 days in filing of Original Application regarding which an application supported with affidavit for condonation of delay has been moved. It is stated in the affidavit that delay in filing application is not deliberate, but for the reasons stated in affidavit.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer saying no sufficient explanation has been offered for condonation of delay.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case as well as the facts averred in the affidavit filed in support of application for condonation of delay, we find that cause shown is sufficient. Accordingly, delay condonation application is <b>allowed</b> and delay in filing Original Application is <b>condoned</b>.</p> <p><u><b>O.A. No. 528 of 2021</b></u></p> <p>It is a fit case for adjudication. 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 <b>01.12.2021</b> for exchange of pleadings. List the matter before Tribunal on <b>16.12.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>     <b>(Justice Umesh Chandra Srivastava)</b> 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**

**O.A. No. 529 of 2021**

**Ex. Gnr. Harijan Kirti Bhai Ajeshi** 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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Shri Devesh Kumar, Advocate appears on behalf of respondents and files Memo of Appearance which is taken on record.</p> <p>Heard Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Devesh Kumar, 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 decide the applicant's First Appeal dated 04.02.2021, which is pending with the respondents, to which Ld. Counsel for the respondents has no objection.</p> <p>With the consent of Ld. Counsel for the parties, we hereby <b>dispose off</b> the Original Application finally with the direction to the respondents to decide the applicant's First Appeal dated 04.02.2021, contained as Annexure No. A-1 of Original Application, by a speaking and reasoned order in accordance with law, if not already decided, within a period of four months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly.</p> <p>Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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**{See rule 11(1)}**  
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**O.A. No. 530 of 2021**

**Ex. Sol. Cdt. Rohit 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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Shri Shyam Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p style="text-align: center;">Heard Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The instant Original Application has been filed against the order dated 29.12.2018 by which applicant has been discharged from service.</p> <p style="text-align: center;">As per office report, there is no delay in filing of Original Application.</p> <p style="text-align: center;">The matter needs adjudication, therefore, Original Application is admitted for hearing.</p> <p style="text-align: center;">Respondents to file Counter Affidavit within four weeks from today. Applicant shall have two weeks time to file Rejoinder Affidavit after filing of Counter Affidavit.</p> <p style="text-align: center;">List the matter before Registrar on <b>01.12.2021</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>16.12.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**O.A. No. 531 of 2021 with M.A. No. 556 of 2021**

**Ex. Gnr. (ACP II) Mukesh 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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Dr. Chet Narayan Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p>Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p>The instant Original Application has been filed for grant of disability pension with delay of 02 years, 03 months and 29 days regarding which an application supported with affidavit for condonation of delay has been made and it is stated therein that delay in filing is not deliberate. It is also stated that bar of limitation is not applicable in pensionary matter.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer.</p> <p>After hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we are of the view that law of limitation is not applicable in pensionary matter. We are further of the view that delay in filing of Original Application is not deliberate. Accordingly, delay in filing of Original Application is <b>condoned</b>. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No. 531 of 2021</u></b></p> <p>The matter needs 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 <b>01.12.2021</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>16.12.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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**Ex. A. No. 50 of 2021 Inre : O.A. No. 92 of 2019**

**Ex. Nk. Ajit Kumar Sarmah**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Shri Yogesh Kesarwani, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is a fresh Execution Application.</p> <p style="text-align: center;">Ld. Counsel for the respondents to seek instructions within three weeks.</p> <p style="text-align: center;">List on <b>10.11.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**Ex. A. No. 51 of 2021 Inre : O.A. No. 731 of 2020**

<b>Maj. Vinay Sharma</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>		
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Namit Sharma, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Col. Y.R. Sharma (Retd.) and Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Shri Namit Sharma, Ld. Counsel for the respondents submitted that respondents wish to file Counter Affidavit against Execution Application, therefore, time be granted for the same.</p> <p style="text-align: center;">Let Counter Affidavit be filed within four weeks.</p> <p style="text-align: center;">List along with Original Application on <b>29.10.2021</b>.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</td><td style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</td></tr></table> <p style="margin-top: 20px;">AKD/-</p>	<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)
<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)		



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**M.A. No. 554 of 2021 Inre : M.A. No. 77 of 2020 Inre : O.A. No. (Nil) of 2020**

**Ex. Sep. Kalicharan Thakur**  
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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Dr. Shailendra Sharma Atal, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p>Hears Shri Ajit Pratap Singh, Advocate holding brief of Shri Gyan Singh Chauhan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><b><u>M.A. No. 554 of 2021</u></b></p> <p>In view of facts averred in affidavit filed in support of application, recall application is <b>allowed</b> and Original Application along with Misc. Application for condonation of delay is restored to its number.</p> <p><b><u>M.A. No. 77 of 2020 Inre : O.A. No. (Nil) of 2020</u></b></p> <p>Applicant can file Reply to objection, if any, within two weeks. List on <b>26.10.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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**Ex. A. No. 26 of 2018 Inre : T.A. No. 178 of 2009**

<b>Sriram Pandey</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Defence Secretary, Ministry of Defence, Govt. of India</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>		
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh and Shri Sachindra Pratap Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Shri Amit Jaiswal, Ld. Counsel appearing on behalf of respondents submitted that the recall application was allowed on the last date only, therefore, sufficient time say about six weeks time be granted to the respondents for compliance of the order which is allowed. It is clarified that if the order is not complied within the given time, respondents shall pay Rs.10,000/- as cost to the applicant.</p> <p style="text-align: center;">List on <b>22.11.2021</b>.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</td><td style="width: 50%; text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</td></tr></table> <p style="margin-top: 10px;">AKD/-</p>	<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)
<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)		

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**Ex. A. No. 101 of 2019 Inre : O.A. No. 34 of 2016**

**Ex. Nb. Sub. (DSC) Sabhajit Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submitted that order under execution is in the process of implementation, therefore, some more time be granted to file affidavit of compliance.</p> <p>The respondents have not deposited the cost imposed against them. There are allowed four weeks time to file affidavit of compliance on payment of Rs.10,000/- as cost to the applicant.</p> <p>Respondents are also directed to deposit entire costs imposed against them by the next date fixed.</p> <p>List on <b>22.11.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. Hav. Parmanand Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondent Nos. 1 to 4 are present.</p> <p>No one is present on behalf of respondent No. 5.</p> <p>On the last date a direction was issued to respondent No. 5 to file Supplementary Affidavit of Compliance enclosing therewith statement of account regarding arrears paid to the applicant. Respondent No. 5 was also directed to clarify why interest has not been paid despite there being Reserve Bank of India guidelines in this regard.</p> <p>We have gone through the guidelines issued by the Reserve Bank of India and are of the view that if the arrears have not been paid within time Bank is liable to interest also on the amount. The respondent No. 5 is, therefore, directed to pay interest on arrears within four weeks from today and file Supplementary Affidavit of Compliance enclosing therewith statement of account as ordered earlier.</p> <p>It is also directed that if the order is not complied with within the time the Bank Manager shall remain personally present in the Court on the next date fixed and shall file his personal affidavit regarding non-compliance of the order.</p> <p style="text-align: center;">List on <b>25.11.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**M.A. No. 303 of 2021 Inre : O.A. No. (Nil) of 2021**

**Ex. Hav. Ram Naresh 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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed to change the name and date of birth of applicant's wife with delay of 38 years, 10 months and 23 days.</p> <p style="text-align: center;">The submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align: center;">Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay is not satisfactory.</p> <p style="text-align: center;">We have gone through affidavit filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p style="text-align: center;">As such, delay in filing application is condoned. Application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><b><u>O.A. No. 287 of 2021</u></b></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Applicant may file Rejoinder Affidavit within two weeks. List on <b>24.11.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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M.A. No. 471 of 2021 with M.A. No. 472 of 2021 Inre : O.A. No. 602 of 2018

Smt. Bete Devi Widow of Sep. (Late) Dasharat Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u><b>15.09.2021</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: center;">Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u><b>M.A. No. 472 of 2021</b></u></p> <p style="text-align: center;">For the reasons stated in affidavit filed in support of application, delay in filing recall application is <b>condoned</b>. Delay condonation application stands decided accordingly.</p> <p><u><b>M.A. No. 471 of 2021</b></u></p> <p style="text-align: center;">In view of facts averred in affidavit filed in support of application, recall application is <b>allowed</b> and order dated 04.01.2021 is <b>recalled</b>.</p> <p style="text-align: center;">Accordingly, Original Application No. 602 of 2018 is restored to its number.</p> <p><u><b>O.A. No. 602 of 2018</b></u></p> <p style="text-align: center;">Heard Shri Ashok Kumar, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents and Shri Rajiv Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad).</p> <p style="text-align: center;">During the course of hearing Shri Rajiv Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad) submitted that grievance raised in Original Application has been redressed and in compliance thereof applicant's pension as per 7<sup>th</sup> C.P.C. has been revised to Rs.10,278/-. He further submitted that Rs.2,37,078/- has also been credited in applicant's account on 27.08.2021.</p> <p style="text-align: center;">In view of the aforesaid submissions, we are of the view that grievance raised in Original Application being redressed, the Original Application deserves to be dismissed being infructuous.</p> <p style="text-align: center;">Accordingly, Original Application is <b>dismissed</b> being infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p>

AKD/-

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

**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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard arguments of Shri R.K. Mishra, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents. Judgment reserved.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 355 of 2017**

**Pratap 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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Prabhav Srivastava, Ld. Counsel for the applicant, Dr. Gyan Singh, Ld. Counsel for the respondent Nos. 1 to 3 and Shri Arvind Kumar Srivastava, Ld. Counsel for the respondent Nos. 4 and 5.</p> <p>Ld. Counsel for the applicant submitted that respondent Nos. 4 and 5 i.e. Central Bank of India (Pension Disbursing Authority) has not paid interest on the arrears in accordance with Reserve Bank of India guidelines bearing No. RBI/2015-16/63 dated 01.07.2015.</p> <p>We have gone through the Guidelines dated 01.07.2015 issued by Reserve Bank of India. Para 33(a) of the said guidelines reads as under :-</p> <p><i>“Pension paying banks should compensate the pensioner for delay in crediting pension/arrears thereof at the fixed interest rate of 8 per cent for the delay after the due date and the compensation shall be credited to the pensioner’s account automatically without any claim from the pensioner on the same day when the bank affords credit for revised pension/ pension arrears, in respect of all delayed pension payments made since October 1, 2008.”</i></p> <p>In view of above guidelines issued by Reserve Bank of India, we are of the opinion that the interest on pension arrears shall be payable to the applicant with effect from 01.01.2008. Accordingly, respondent Nos. 4 and 5 - Central Bank of India (Pension Disbursing Authority) are directed to pay interest to the applicant with effect from 01.10.2008 within four weeks from today.</p> <p style="text-align: center;">List on <b>09.11.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>





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

**O.A. No. 484 of 2018 with M.A. No. 113 of 2019**

**Nb. Sub. Jagbhan 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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri J.N. Mishra, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Despite being specifically directed to incorporate the amendments in pleadings the same has not been done by the applicant. Consequences will follow.</p> <p style="text-align: center;">List on <b>25.11.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p><small>AKD/-</small></p>

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

O.A. No. 393 of 2019

<p><b>Col. Dinesh Kumar</b>                  By Legal Practitioner for the Applicant</p>	<b>Versus</b>	<p>Applicant</p>
<p><b>Union of India &amp; Others</b>                  By Legal Practitioner for Respondents</p>		<p>Respondents</p>

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
<p><b>15.09.2021</b>  <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u>  <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Virendra Mohan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Counter Affidavit has been filed on behalf of respondent Nos. 1 and 2 and the same is taken on record.</p> <p style="text-align: center;">List on <b>26.11.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>                      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**

**O.A. No. 212 of 2021**

**Ex. Hav. Kiranvir Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit has been filed by the respondents is taken on record.</p> <p>No Rejoinder Affidavit has been filed by the applicant despite time being granted for the same, therefore, opportunity for filing the same is closed.</p> <p>List on <b>06.12.2021</b> for final hearing.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 233 of 2021**

**Ex. Rect. Nikhil 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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Virat Anand Singh and Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit has been filed by the respondents is taken on record.</p> <p>No Rejoinder Affidavit has been filed by the applicant despite time being granted for the same, therefore, opportunity for filing the same is closed.</p> <p>List on <b>06.12.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 303 of 2021**

**CHM Kishan Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Lalit Kumar and Dr. Ashish Asthana, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Shri Namit Sharma, Ld. Counsel appearing on behalf of respondents submitted that para-wise comments received to him and he will get Counter Affidavit filed in the registry within two weeks.</p> <p>List on <b>25.11.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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**

**O.A. No. 306 of 2021**

**Ex. Sep. Birender Rai**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submitted that para-wise comments received to him and he will get Counter Affidavit filed within three weeks.</p> <p>List on <b>26.11.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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**

**O.A. No. 317 of 2021**

**Ex. Rect. Prashant Kumar Prikshit**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b>  <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Pankaj Kumar Srivastava and Shri Rahul Chaurasiya, 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 respondents submitted that para-wise comments received to him and he will get Counter Affidavit filed within three weeks.</p> <p style="text-align: center;">List on <b>26.11.2021</b> for final hearing.</p> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 20px;"> <div style="text-align: center;"> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> </div> <div style="text-align: center;"> <p><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> </div> </div> <p>AKD/-</p>

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

**O. A. No 406 of 2021 with M.A. No 416 of 2021 & M.A. 419 of 2021**

**Ex Rect Ramesh Babu & Other**  
By Legal Practitioner for the Applicants

Applicants

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Veer Raghav Chaubey and Shri Ravi Raghavan, Ld. Counsel for the applicants and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>On the request of Dr. Shailendra Sharma Atal, learned counsel for the respondents a week further time is granted to file objection against maintainability of O.A.</p> <p>List on <b>01.10.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>rathore</p>

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

O. A. (A) No. 375 of 2019

**Ex Sapper Ajay Kumar Shrivastava**  
By Legal Practitioner for the Appellant

Appellant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Sharad Kumar, Advocate holding brief for Shri Gaurav Gupta and Mrs. Kavita Singh, Ld. Counsel for the appellant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that counter affidavit has already been filed by respondents which should be taken on record.</p> <p>Accordingly, counter affidavit is taken on record.</p> <p>Learned counsel for the respondents further submitted that in regard to proposed administrative action against applicant, he had filed a writ petition in Hon'ble High Court of Judicature at Jaipur which was transferred to AFT, Jodhpur (Circuit Bench) and the same is still pending.</p> <p>Applicant may file rejoinder affidavit, if any, within two weeks from today.</p> <p>List on <b>08.12.2021</b> for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)      Member (J)</p> <p>rathore</p>

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

**Ex-A. No.24 of 2017 Inre T.A.No. 93 of 2010**

**Prayag Singh Parihar** Petitioner  
By Legal Practitioner for the Petitioner

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>15.09.2021</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that inquiry report could not be submitted due to being late received. He further submitted that inquiry report will be filed in sealed cover in the registry within two weeks. He also submitted that cost imposed on the respondents has been deposited.</p> <p>List on <b>06.10.2021</b> for hearing.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> <span style="float: right;"><b>(Justice Umesh Chandra Srivastava)</b></span> <b>Member (A)</b> <span style="float: right;"><b>Member (J)</b></span></p> <p>rathore</p>



Form No. 4  
{See rule 11(1)}  
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.1

O. A. No 240 of 2017

**Sinhasan Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Col Y R Sharma ( Retd), Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>22.11.2021</b> for final hearing.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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

O. A. No. 546 of 2018

**Lt. Col Raja Singh Parihar ( Retd)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Col Y R Sharma (Retd), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>24.11.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>rathore</p>

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

**O. A. No. 565 of 2018**

**Sep Rajnish (Through his Wife Smt Buntty Rani)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. 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>2. This O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 and applicant has sought the following reliefs:-</p> <p>(a) To quash/set aside the impugned order dated 05 May 2018 passed by the respondent No 3 as Annexure No A-1 with compilation No 1 to this O.A.</p> <p>(b) Issue an order or direction directing the respondent authorities to permit the applicant to be continued in service till completion of release medical board proceedings in accordance with AO 3/89.</p> <p>(c) Issue an appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the demand of justice.</p> <p>(d) Issue an order or direction awarding the cost of the application together with all legal expenses incurred by the applicant.</p> <p>3. Brief facts necessary for adjudication of the case are that applicant was enrolled in the Army on 16.07.2003. While in service he was downgraded to low medical category S1H1A1P3E1 for six months w.e.f. 01.07.2009 for disability 'Solitary Seizure' but was later upgraded to medical category S1H1A1P1E1 w.e.f. 16.12.2009. In the year 2011 applicant was found to be suffering from 'Idiopathic Epilepsy' and his medical category was downgraded to S1H1A1P3(T-24)E1 w.e.f. 17.06.2011. Later, he was also placed in permanent low medical category S1H1A1P2(P)E1 for two years w.e.f. 15.03.2017 to 15.03.2019 on account of disability 'Akylosing Spondlitis Related Aerior Uveitis (Rt Eye)'. Applicant was retained in service by providing sheltered appointment. On 08.03.2016 applicant was found to be suffering</p>



from 'Lt Focal Seizure with Secondary Generalisation' and his medical category was downgraded to S1H1A1P3(T-24)E1. On subsequent review medical boards he was placed in S1H1A1P3(P)E1 for two years w.e.f. 26.12.2017 to 26.12.2019. He was also downgraded to medical category S2(T-24)H1A1P1E1 for six months w.e.f 03.02.2018 for disability 'Observation for suspected Mental and Behaviour Disorder'.

4. Applicant was discharged from service w.e.f. 30.11.2018 on account of non-availability of sheltered appointment in terms of para 2 (a) of Army Order 46/80 and Rule 13 (3) (iii) a (i) of Army Rules, 1954. Prior to discharge, applicant being suffering from various ailments and being placed in low medical category his Release Medical Board (RMB) was required to be carried out to ascertain his disability percentage but the same was not carried out in terms of Army Order 3/89. The respondents have alleged that applicant did not report to medical authorities for conduct of RMB.

5. During the course of arguments it was submitted that applicant is in receipt of service pension.

6. At this stage, we are of the view that applicant's RMB should be conducted to decide his gravity of disability and its percentage in terms of Army Order 3/89 which ought to have been carried out prior to discharge of applicant from service

7. In view of the above, we direct the respondents to carry out RMB of applicant within two months from today. Applicant is directed to report to concerned Military Hospital on receipt of intimation from the respondents.

8. With the aforesaid observations, the O.A. is disposed off finally.

9. No order as to costs.

10. Pending miscellaneous applications, if any, shall stand disposed off.

**(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

O. A. No. 79 of 2019

Ex Sub Virendra 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>15.09.2021</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, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>List on <b>25.11.2021</b> 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**

**O.A. No. 71 of 2020**

**Smt Vitana Devi**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>On the request of Shri Rajiv Pandey, learned counsel for the respondents two days time is granted to file counter affidavit. In case counter affidavit is not filed within the aforesaid period, opportunity to file the same shall be closed without any reference.</p> <p>List on <b>30.11.2021</b> for final hearing.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>rathore</p>

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

O.A. No. 125 of 2020

**Ex Sep Amit Kumar, Through his wife Smt Pinki 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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Bachchan Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant, list on <b>16.09.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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

O.A. No. 147 of 2020

**Ex Sub Ombir Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.09.2021</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>List on <b>26.11.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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**

**O.A. No. 251 of 2020**

**Urba Datt**

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><b><u>15.09.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Mrs. Anju Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">During the course of hearing learned counsel for the applicant submitted that grievances raised in the O.A. have been redressed and therefore, O.A. be dismissed as infructuous.</p> <p style="text-align: center;">Accordingly, O.A. is dismissed being infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>rathore</p>

