



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

**O.A. No. 794 of 2021**

**Ex. Sub. (Hony. Lt.) Suresh Pandey**  
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>15.12.2021</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 Alok Kumar Mishra, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on <b>09.02.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>22.03 2022.</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>

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

O.A. No. 798 of 2021 with M.A. No. 946 of 2021

Ex. Hav. Rajendra Prasad Tiwari  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>15.12.2021</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>Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Matri Datt Tripathi, Shri Suresh Agrawal and Shri Lal Mani, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed for grant of disability pension with delay of 13 years and 14 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No. 798 of 2021</u></b></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>09.02.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>22.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
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**Court No.1**

**O.A. No. 799 of 2021**

**Ex. Nk. Satyendra Narayan Dubey**  
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>15.12.2021</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 Amit Jaiswal, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed against the order by which applicant has been dismissed from service being a convict under Section 302 of Indian Penal Code.</p> <p style="text-align: center;">The submission of Ld. Counsel for the applicant is that applicant cannot be dismissed from service merely on the ground that applicant has been convicted under Section 302 of Indian Penal Code, more so when applicant has preferred Appeal against the order of conviction and has been granted Bail in the said Appeal.</p> <p style="text-align: center;">Per contra, the submission of Ld. Counsel for the respondents is that applicant has not filed order by which he has been dismissed from service, therefore, applicant be directed to file copy of that order first and thereafter matter for admission be taken up.</p> <p style="text-align: center;">Points raised by the applicant need consideration, therefore, Original Application is admitted for hearing.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit.</p> <p style="text-align: center;">List on <b>01.02.2022.</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)}**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1**

**O.A. No. 831 of 2021 with M.A. No. 979 of 2021**

**Ex. JWO Rishikesh Tiwary**  
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>15.12.2021</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 Rajesh Shukla, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Ms. Supriya Tiwari and Col. R.C. Dixit (Retd.), Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As per office note, there is no delay in filing Original Application, however, an application for condonation of delay has been moved which being not required is <b>dismissed</b>.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on <b>09.02.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>22.03.2022</b>.</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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**{See rule 11(1)}**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1**

**O.A. No. 832 of 2021**

**Ex. Hav. Ramadhar 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>15.12.2021</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 Manu Kumar Srivastava, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The innocuous prayer of the applicant is that to direct the respondents to decide the applicant's representation No. CAK/D/SP/AAFN/M/17740 dated 31.01.2021, which is pending with the respondents.</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 decide the applicant's representation No. CAK/D/SP/AAFN/M/17740 dated 31.01.2021, annexed as A-1 of Original Application, by a speaking and reasoned order in accordance with law, if not already decided, within a period of three months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly.</p> <p style="text-align: center;">Let 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> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
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**Court No.1**

**O.A. No. 833 of 2021**

**Ex. Hav. Mahesh Singh Kushvaha**  
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><u><b>15.12.2021</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">Memo of Appearance filed by Ms. Kavita Mishra, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align:center">Heard Shri Sarvesh Kumar Tiwari, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents.</p> <p style="text-align:center">It is a fit case for adjudication.</p> <p style="text-align:center">Admit.</p> <p style="text-align:center">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align:center">List the matter before Registrar on <b>09.02.2022</b> for exchange of pleadings.</p> <p style="text-align:center">List the matter before Tribunal on <b>22.03.2022</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. 98 of 2021 Inre : O.A. No. 202 of 2019  
Along with  
M.A. No. 940 of 2021 with M.A. No. 941 of 2021

**Ex. Sep. Jiledar Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.12.2021</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 Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>It is a fresh Execution Application.</p> <p>Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instructions in the matter.</p> <p>List on <b>18.02.2022</b>.</p> <p style="display: flex; justify-content: space-between;"><span><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</span><span><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>



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M.A. No. 940 of 2021 with M.A. No. 941 of 2021  
 Along with  
 Ex. A. No. 98 of 2021 Inre : O.A. No. 202 of 2019

Union of India & Others	Applicants
By Legal Practitioner for the Applicants	
<b>Versus</b>	
Ex. Sep. Jiledar Singh	Respondent
By Legal Practitioner for Respondent	

Notes of the Registry	Orders of the Tribunal
	<p><u>15.12.2021</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 Shyam Singh, Ld. Counsel for the applicants – Union of India &amp; Others (Respondents in Original Application).</p> <p style="text-align: center;">Applicants – Union of India and Others have filed this application seeking leave to appeal against the order dated 18.01.2021 passed in Original Application No. 202 of 2019, Ex. Sep. Jiledar Singh Versus Union of India &amp; Others, by which while allowing the Original Application, respondents have been directed to grant disability pension to the applicant @20% for two years from the date of discharge with direction to hold Re-Survey Medical Board afresh to re-assess further disability, if any, within a period of four months from the date of order.</p> <p style="text-align: center;">Applicants have also filed an application under Section 5 of the Indian Limitation Act seeking condonation of delay in filing of leave to appeal application.</p> <p style="text-align: center;">In support, an affidavit has also been filed.</p> <p style="text-align: center;">As per office note, there is no delay in filing of Leave to Appeal, therefore, application for condonation of delay being not required is <b>dismissed</b>.</p> <p style="text-align: center;">After having heard the submissions of Ld. Counsel for the applicants and having gone through the Judgment we find that no point of law of general public importance is involved in the matter, therefore, Leave to Appeal is also <b>dismissed</b>.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava)          Member (A)    Member (J)</p> <p style="text-align: left;">AKD/-</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1**

**Ex. A. No. 102 of 2021 Inre : O.A. No. 355 of 2020**

**Smt. Sadhana Sharma W/o Ex. Late Sep. Jitendra Kumar Sharma** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.12.2021</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>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>It is a fresh Execution Application.</p> <p>Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instructions in the matter.</p> <p>List on <b>18.02.2022.</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>

**Form No. 4**  
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**Court No.1**

**M.A. No. 947 of 2021 Inre : R.A. No. 60 of 2021 Inre : O.A. No. 206 of 2019**

**Union of India & Others**  
By Legal Practitioner for the Applicants

Applicants

**Versus**

**Shri Rajiv Chand & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>15.12.2021</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 Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India &amp; Others.</p> <p>For the reasons stated in affidavit filed in support of correction application, correction application is <b>allowed</b>.</p> <p>In paragraph 1, in line 2, 3 and 4 of the order dated 09.11.2021 of this Tribunal in Review Application No.60 of 2021 after the word 'preferred' in place of sentence "by legal heirs of the deceased applicant for grant of benefits allowed vide judgment dated 17.02.2021" following sentence be corrected/substituted :-</p> <p style="text-align: center;"><b>"by the Applicants/Respondents i.e. Union of India and others against the Judgment dated 17.02.2021 and 24.03.2021"</b></p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</b> <b>Member (A) Member (J)</b></p> <p>AKD/-</p>



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**Ex. A. No. 1 of 2018 with M.A. No. 147 of 2021 Inre : T.A. No. 1290 of 2010**

**Arvind Kumar Katiyar**  
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>15.12.2021</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 Sudhiar Kumar Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that order for which Execution Application has been filed is dated 14.08.2017 and despite more than four years have been passed in the matter the order is yet to be complied with.</p> <p style="text-align: center;">In reply, Ld. Counsel for the respondents submits that in regard to compliance of the order Part-II Order has been published on 28.10.2021. He further submits that in view of the fact multiple agencies are involved in implementation of the order, four weeks further time be granted to file affidavit of compliance.</p> <p style="text-align: center;">Considering that enough delay has already been caused in implementation of the order, respondents are directed to file affidavit of compliance after making complete compliance of the order within four weeks failing which Chief Controller (Pensions), Central Pension Accounting Office, Ministry of Finance, Department of Expenditure, Trikoot-II, Bhikaji Cama Place, New Delhi-110066 and Commanding Officer, 8 BRD, Chennai shall remain physically present on the next date fixed to explain the reason for non-compliance of the order under execution.</p> <p style="text-align: center;">List on <b>02.02.2022</b>.</p> <p style="text-align: center;">Let copy of this order be provided to the Ld. Counsel for the respondents/Departmental Representative (Air Force) forthwith for compliance.</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 style="text-align: left;">AKD/-</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1**

**Ex. A. No. 99 of 2019 Inre : O.A. No. 534 of 2018**

**Ex. Sep. Harish Chandra Pandey**  
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>15.12.2021</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 R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents submits that in compliance of the order under execution R.S.M.B. was held on 04.11.2019 in which his disability being found static (15-19%), the applicant has been allowed disability element @20% for life with effect from date of Original Application i.e. 07.06.2018 with broad banding to 50% for life. He further submits that in the order under execution it has been specifically stated that applicant will not be entitled to any arrear of disability element, therefore, applicant has been allowed disability element from the date of filing of Original Application vide P.P.O. dated 03.12.2021.</p> <p>Per contra, Ld. Counsel for the applicant submits that in view of the fact that applicant's medical condition has been static in R.S.M.B., he is entitled to disability element from the same date from which service element is paid which is 06.06.2015 and not from the date of filing of Original Application.</p> <p>We have perused the order dated 29.03.2019 in Original Application No. 534 of 2018, Ex. Sep. Harish Chandra Pandey Versus Union of India &amp; Others, in which it has been specifically provided that "<i>In the interest of substantive justice the applicant is held entitled to disability pension @20% for two years w.e.f. his date of discharge i.e. 10.06.1987. However, due to law of limitations the applicant will not be entitled to any arrears of disability element. However, he shall be entitled to arrears of service element for three years before the date of filing of this O.A. The date of filing of this O.A. is 06.06.2018. The respondents are directed to hold Re-survey Medical Board (RSMB) of the applicant within 03 months of this order. His further entitlement to disability element will be subject to the outcome of the RSMB. The whole exercise shall be completed within four months from the date of receipt of copy of this order. Default will invite interest @9% per annum.</i>"</p>

There being a specific mention in the order that due to law of limitation the applicant is not entitled any arrears of disability element, despite medical condition of the applicant being found static in R.S.M.B., he is not entitled to any arrears of disability element from the date of service element given to the applicant i.e. three prior to the date of filing of Original Application. Thus, there is no infirmity in implementation of the order under execution.

Since the order under execution has been complied with, Execution Application deserves dismissal being infructuous.

Accordingly, Execution Application is **dismissed** being infructuos.

(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**

**O.A. No. 638 of 2020**

**Ex. LAC Amit Kumar**  
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>15.12.2021</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 Satendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</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> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> </div> <div style="text-align: center;"> <p><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> </div> </div> <p>AKD/-</p>



**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1**

**O.A. No. 659 of 2020**

**Ex. Nk. Ravindra Kumar Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Chief of Army Staff & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.12.2021</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 Rohit Kumar, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicant that Original Application may be dismissed for non-prosecution as he has no instruction.</p> <p style="text-align: center;">Accordingly, Original Application is <b>dismissed</b> for non-prosecution.</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. 526 of 2021**

**Ex. Sgt. Gopinder Singh 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>15.12.2021</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:justify">On the case being taken up for hearing Shri D.S. Tiwari, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align:justify">It is submitted by the Ld. Counsel for the respondents that since para-wise comments in the matter have not yet been received, four weeks further time be granted to file Counter Affidavit.</p> <p style="text-align:justify">As prayed and, as a last chance, four weeks time is granted to file Counter Affidavit.</p> <p style="text-align:justify">List on <b>25.01.2022.</b></p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align:right"><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. 532 of 2021**

**Ex. MWO Awadhesh Kumar 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><u><b>15.12.2021</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 R. Chandra, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents, four weeks and, no more time, is granted to file Counter Affidavit.</p> <p>List on <b>25.01.2022</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>

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

O.A. No. 533 of 2021

**Ex. Sgt. Bramha Lal Sharma**  
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>15.12.2021</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 Abhishek Singh and Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents, four weeks and, no more time, is granted to file Counter Affidavit.</p> <p>List on <b>27.01.2022</b>.</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>

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

**O.A. No. 534 of 2021**

**Hav. Dharmendra Kumar 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>15.12.2021</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 Vinay Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents, four weeks and, no more time, is granted to file Counter Affidavit.</p> <p>List on <b>27.01.2022</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>

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

**O.A. No. 535 of 2021**

**Ex. Sep. Vijay Shankar Singh Yadava**  
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>15.12.2021</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 Major Sini Thomas, Departmental Representative for respondent Nos. 1 to 4 are present.</p> <p>No one is present on behalf of respondent Nos. 5 and 6 despite service of notice being held sufficient on them. The Original Application shall proceed exparte against them.</p> <p>The Departmental Representative for respondent Nos. 1 to 4 seeks and is allowed four weeks time to file Counter Affidavit.</p> <p>List on <b>27.01.2022.</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. 738 of 2021**

**Hav. (Amb Asst) Madhav Prasad**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>15.12.2021</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 KP Datta, holding brief of Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents.</p> <p>Applicant has filed this O.A. against the order dated 25.05.2021 of Severe Reprimand passed in Summary Trial and, based on the same, AMC Records has passed order dated 30.11.2021 by which applicant has been discharged from service. It is submitted by learned counsel for the respondents that order of discharge being based on order of Severe Reprimand passed in summary trial, the same does not fall in the ambit of service matters defines under Section 3 (o) of the Armed Forces Tribunal Act, 2007, therefore, O.A. being filed against this order is not cognizable by the Armed Forces Tribunal.</p> <p>Per contra, learned counsel for the applicant submitted that in O.A. applicant has not challenged only order of Severe Reprimand but has also challenged the order of discharge which is based on the order of Sever Reprimand, which falls within the definition of service matters as given in Section 3 (o) of Armed Forces Tribunal Act, 2007, and, therefore, O.A. is maintainable.</p> <p>We have gone through the averments made in O.A. and reliefs claimed and we find that application has been filed not only against the order of Severe Reprimand but against the order of discharge also which indeed is based on the order of Severe Reprimand.</p> <p>The application being filed against both the orders i.e. Severe Reprimand and Discharge and not only against the order of Severe Reprimand, it is not open to respondents to say that order in question being not fallen within definition of service matters under Section 3 (o) of the Armed</p>



Forces Tribunal Act, 2007, application is not maintainable.

We, therefore, hold that Original Application is cognizable by the Armed Forces Tribunal. Objection of maintainability raised by learned counsel for the respondents is over ruled.

Learned counsel for the respondents submits that since parawise comments have not yet been received, four weeks further time be granted to file counter affidavit which is allowed.

List on **03.02.2022**.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

Ukt/-

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

O.A. No. 238 of 2018

**Virendra Singh**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Chief of Army Staff & Others**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>15.12.2021</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 Rohit Kumar, Ld. Counsel for the applicant and Maj Sini Thomas, Departmental Representative for the respondents are present.</p> <p>List on <b>02.02.2022</b>.</p> <p>On the date fixed learned counsel for the respondents shall produce Honorary Commission Board Proceeding pertaining to Republic Day and Independence day for the year 2014 and 2015.</p> <p>Copy of this order be provided to learned counsel for the respondents within 48 hours for necessary action.</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>UTK/-</p>





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

**O.A. No. 398 of 2018**

**Lt. Col. C.N. Tembe (Retd) & Others**  
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>
<b>In view of aforesaid, list the matter on 31.03.2022.</b>	<p><b><u>15.12.2021</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 Arun Kumar and Col. RA Pandey (Retd), Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents.</p> <p>It is submitted by learned counsel for the applicant that applicant's case is squarely covered by the judgment of AFT, Chandigarh Bench in O.A. No 90 of 2014, Maj (Retd) Tarlok Singh vs Union of India &amp; Others, decided on 25.05.2017.</p> <p>Per contra, it is submitted by learned counsel for the respondents that Union of India &amp; Others have filed SLP against the aforesaid judgment which is pending decision.</p> <p>In view of aforesaid, list the matter on <b>31.03.2022</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</b> <b>Member (A) Member (J)</b></p> <p>UTK/-</p>

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

**O.A. No. 572 of 2018**

**Col. Abhiram Chandra 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><b><u>15.12.2021</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 Applicant Col (Retd) Abhiram Chand Mishra is present in person.</p> <p>Ms. Appoli Srivastava, Ld. Counsel for the respondents is also present.</p> <p>Applicant submits that his counsel is not present today and prayed for adjournment. Accordingly, the case is adjourned.</p> <p>List on <b>24.01.2022</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>UTK/-</p>



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

**O.A. No. 197 of 2021**

**Smt. Prem Bati, W/O late Ex. Nb Sub Ram Sarup Prasad** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>15.12.2021</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 Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>During the course of hearing it came to our notice that counter affidavit which respondents have filed is not relating to this O.A. but it pertains to some other case filed by the applicant. It also came to our notice that this has happened because of supply of copy of another O.A. to the counsel for the respondents.</p> <p>Counter affidavit being not related to this case is, therefore, returned to the respondents and applicant is directed to furnish 2 sets of O.A. of this case to learned counsel for the respondents within 3 days. After receipt of O.A., respondents will have four weeks time to file counter affidavit.</p> <p>List on <b>02.03.2022</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>UTK/-</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>15.12.2021</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 Pankaj Kumar shukla and Shri Rahul Chaurasiya, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is granted two weeks, further time to file counter affidavit.</p> <p>List on <b>06.01.2022</b>.</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>UTK/-</p>

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

**O.A. No. 359 of 2021**

**Smt. Bitan Devi, W/o Ex L/NK Ramesh 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>15.12.2021</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, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is granted three weeks and no more time to file counter affidavit.</p> <p>List on <b>28.01.2022</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>UTK/-</p>