

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 201 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Hav. Suresh Chandra
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>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Namit Sharma, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri Yashpal Singh, 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 with delay of 08 years, 02 months and 14 days.</p> <p style="text-align: center;">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 style="text-align: center;">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 style="text-align: center;">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 style="text-align: center;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 198 of 2021</u></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 05.05.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 20.05.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 202 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Cfn. Ranjit Singh By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>16.03.2021</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;">Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed two weeks time to file objection against delay condonation application.</p> <p style="text-align: center;">List on 22.04.2021.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 20px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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Court No.1 (E. Court)

O.A. No. 184 of 2021

Cpl. Manish Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Ms. Amrita Chakraborty, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>List on 08.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 192 of 2021 Inre : M.A. No. 98 of 2021 with M.A. No. 99 of 2021
Inre : M.A. No. 100 of 2021 Inre : O.A. No. (Nil) of 2019

Ex. Hav. Ram Kishore
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>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Anurag Mishra, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Rajeev Srivastava, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 192 of 2021</u></p> <p style="text-align: center;">Recall application is allowed subject to payment of Rs.1,000/- as cost, payable to AFT Bar Association.</p> <p style="text-align: center;">On deposit of cost order dated 10.02.2021 stands recalled and case is restored to its number.</p> <p><u>M.A. No. 98 of 2021 with M.A. No. 99 of 2021, M.A. No. 100 of 2021</u></p> <p style="text-align: center;">List on 13.04.2021.</p> <p style="text-align: center;">Name of Shri Anurag Mishra, Advocate be shown as Counsel for the respondents, when the case is listed next.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

Diary No. 1382 of 2020 with M.A. No. 129 of 2021 Inre : O.A. No. (Nil) of 2020

Ex. WO Dinesh Chand 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><u>16.03.2021</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 Wg. Cdr. Ajit Kakkar (Retd.) Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Defects pointed out by the registry, has already been removed.</p> <p><u>M.A. No. 129 of 2021</u></p> <p style="text-align: center;">There is a delay of 06 months and 03 days in filing Original Application.</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that matter pertains to disability pension in which bar of limitation is not applicable. His further submission is that delay, if any, 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 vehemently opposed the prayer.</p> <p style="text-align: center;">Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that bar of limitation is not applicable in pensionary matters. We further find that cause shown is sufficient and delay is condonable.</p> <p style="text-align: center;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 200 of 2021</u></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 05.05.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 20.05.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 52 of 2018 Inre : O.A. No. 189 of 2010

Shiv Kumar Joshi
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>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and, as a last chance, two weeks further time is granted to seek instructions.</p> <p>List on 15.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Ex. A. No. 75 of 2018 Inre : T.A. No. 1366 of 2010

Kamal Singh Rautela
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and, as a last chance, two weeks further time is granted to seek instructions.</p> <p>List on 16.04.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 59 of 2019 Inre : O.A. No. 182 of 2017

Ex. Sep. Neeraj Bhatt Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and, as a last chance, two weeks further time is granted to seek instructions.</p> <p>Cost imposed earlier be deposited by the next date fixed positively.</p> <p>List on 16.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

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

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks further to make compliance of order on payment of Rs.10,000/- as cost, payable to applicant.</p> <p>Cost imposed earlier shall also be deposited by the next date fixed.</p> <p>List on 20.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 6 of 2020 Inre : O.A. No. 148 of 2018

Ex. Spr. Raj Kumar Verma
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>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and, as a last chance, four weeks further time is granted to make compliance of order on payment of Rs.10,000/- as cost, payable to applicant.</p> <p>Earlier cost of Rs.15,000/- has been deposited.</p> <p>List on 20.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 25 of 2020 Inre : O.A. No. 656 of 2017

Ex. Sep. Nandji Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Objection to the affidavit of compliance is taken on record.</p> <p>It is submitted by the Ld. Counsel for the applicant that in compliance of order passed by this Tribunal Par – 2 Order in regard to change of name as well as Date of Birth of dependent of applicant has been issued. It is submitted that four weeks further time be granted to complete compliance of order which is allowed.</p> <p style="text-align: center;">List on 28.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Court No.1 (E. Court)

Ex. A. No. 38 of 2020 Inre : O.A. No. 109 of 2016

Ex. Hav. Amar Nath Singh Kharwar 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>16.03.2021</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 Diwakar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents sought two weeks further time to make compliance of order which is vehemently opposed by the Ld. Counsel for the applicant stating that order in question was passed in the year 2013 to which sanction has also been accorded in the year 2016.</p> <p>Considering that long delay has already been caused by the respondents in making compliance of order passed in 2013, they are directed to comply with the order by 16.04.2021 positively, failing which they shall be liable to pay Rs.50,000/- as cost to the applicant.</p> <p style="text-align: center;">List on 16.04.2021.</p> <table border="0" style="width: 100%; margin-top: 20px;"><tr><td style="text-align: center; width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 20px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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Court No.1 (E. Court)

Ex. A. No. 5 of 2021 Inre : O.A. No. 135 of 2019

Ex. Sep. Om Prakash Dubey By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>16.03.2021</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 R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align:center">Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, respondents are directed to issue correct P.P.O. within four weeks as there cannot be two length of service in respect of same individual.</p> <p style="text-align:center">List on 22.04.2021.</p> <table style="width:100%;"><tr><td style="text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align:center">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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Court No.1 (E. Court)

M.A. No. 698 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Nk. Lalit Mohan
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>16.03.2021</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 Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p>None appears to present the case of the applicant, nor is there any mention made on his behalf to pass over or adjourn the case.</p> <p>Accordingly, we dismiss delay condonation application for non prosecution.</p> <p>In consequence thereof Original Application is also dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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M.A. No. 885 of 2019 Inre : O.A. No. (Nil) of 2019

Hav. (Amb. Asst) Rambalee
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>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Heard Shri Om Prakash Kushwaha and Shri K.P. Datta, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The Original Application has been filed with delay of 02 months and 25 days.</p> <p style="text-align: justify;">The submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate, but on account of facts stated in affidavit filed in support of application.</p> <p style="text-align: justify;">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: justify;">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: justify;">As such, delay in filing application is condoned. Application stands decided accordingly.</p> <p style="text-align: justify;">Let Original Application be registered.</p> <p><u>O.A. No. 203 of 2021</u></p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on 05.05.2021 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 20.05.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 176 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Gdsm. Rajpal Giri 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>16.03.2021</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 Manoj Kumar Awasthi, Advocate holding brief of Shri Manoj Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Reply to the objection against delay condonation application filed by the applicant is taken on record.</p> <p>List on 26.03.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 189 of 2020

Ex. Nk/Clk. Awadhesh Kumar Pathak
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>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed, applicant is permitted to file Rejoinder Affidavit within 10 days failing which opportunity to file the same shall stand closed.</p> <p style="text-align: center;">List on 27.05.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 250 of 2020

Smt Prabhawati W/O
Late L Nk Mangal Prasad Verma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Ors
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Sarvesh Kumar, Advocate holding brief of Shri Parijaat Belaura, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents seeks and is allowed 04 weeks further time, as a last chance, to file counter affidavit.</p> <p style="text-align: center;">List on 23.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 450 of 2020

Smt Asha Shukla W/O Late
Ex Nk Ram Milan Shukla
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>16.03.2021 <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 Vivek Kumar Pandey, learned counsel for the applicant and Shri Jai Narayan Mishra, learned counsel for the respondents are present.</p> <p>As a last chance, 04 weeks further time is granted to learned counsel for the respondents to file counter affidavit on payment of Rs 10,000/- as cost.</p> <p>It is made clear that in case counter affidavit is not filed within the stipulated period, the opportunity to file the same shall be closed without any reference.</p> <p>List on 28.04.2021.</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

O.A. No. 456 of 2020

Ex Sep Anil Kumar 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><u>16.03.2021</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 SG Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>Counter affidavit already filed is taken on record.</p> <p>Despite several opportunities being given, applicant has not filed rejoinder affidavit, therefore, opportunity to file the same is closed.</p> <p>List on 06.07.2021 for physical hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No.634 of 2020

Ex Sub Vinod Kumar

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>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>1. Heard Shri Om Prakash Kushwaha, learned counsel for the applicant and Shri Devesh Kumar Mishra, learned counsel for the respondents.</p> <p>2. Vide order dated 23.11.2020 name of Shri Devesh Kumar Mishra was erroneously typed as Devesh Kumar Shukla, which is corrected as under:-</p> <p style="padding-left: 40px;">For -Shri Devesh Kumar Shukla Read -Shri Devesh Kumar Mishra</p> <p>3. The present O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 vide which the applicant has sought following reliefs:-</p> <p>(i) To issue/pass order/direction to set-aside/quash the O/o PCDA (pension), rejection letter No G3/V/PGO 341152105/BEG-K/2020 dated 24.07.2020, in which the applicant has been unjustly denied for grant of benefit for rounding of disability pension @ 20% to @ 50% arrear from 01.03.2013 to 31.12.2015.</p> <p>(ii) To issue/pass an order/directions to the respondents to grant benefit of rounding/broad banding of disability element of disability pension from 01.03.2013 to 31.12.2015 @ 20% to @ 50% along with arrear, and interest @ 18% p.a. on arrear in the light of judgment and order of Hon'ble Apex Court, and Hon'ble AFT (RB) Lucknow, and the Govt of India Policy letter dated 31.01.2001.</p> <p>(iii) To issue/pass any other order or direction as this Hon'ble Tribunal may deem just, fit and proper under the circumstances of the case in favour of the applicant.</p> <p>(iv) To allow this original application with costs.</p> <p>4. Brief facts of the case are that the applicant, who is in receipt of service element vide PPO No. S/060999/2012, had filed O.A. No. 487 of 2017 in this</p>

Tribunal for grant of rounding off of disability element with effect from his date of discharge. The O.A. was allowed vide order dated 04.01.2018 and applicant is in receipt of broad banded disability element with effect from 01.01.2016. The applicant has now filed this O.A. for grant of rounded off disability element for the period from 01.03.2013 to 31.12.2015.

5. We have perused the pleadings on record and heard arguments of both the sides.

6. The moot question in this case is whether an individual can be granted disability element with effect from his date of discharge or from three years prior to filing of writ petition?

7. In this regard the issue has already been settled by the Hon'ble Apex Court in the case of **Shiv Dass vs. Union of India**, reported in 2007 (3) SLR

445. Relevant part of the aforesaid judgment is as under:-

“In the case of pension the cause of action actually continues from month to month. That, however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years.”

8. Thus, from the aforesaid it is clear that an applicant can be granted disability element and its rounding off with effect from three years prior to filing of O.A. In the instant case the O.A. was filed on 09.11.2020 and based on law laid down applicant is entitled to broad banding of disability element w.e.f. 09.11.2017 and since applicant is already in receipt of rounded off disability element w.e.f. 01.01.2016, he is not entitled to any relief at this stage.

9. In view of the above, the O.A. is devoid of merit and deserved to be dismissed. It is accordingly **dismissed**.

10. No order as to costs.

11. Pending applications, if any, are 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

M.A. No. 464 of 2020 Inre O.A. No 106 of 2013
Alongwith O.A. No. 106 of 2013

Mahabir Singh (convict prisoner)
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>16.03.2021</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents is present.</p> <p>List on 08.04.2021.</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

O.A. No. 230 of 2017

Smt Urmila Devi Chauhan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Pankaj Kumar Shukla, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p style="text-align: center;">List on 22.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

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

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col YR Sharma (Retd), learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents are present.</p> <p>List on 22.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 398 of 2018

Lt Col CN Tembe (Retd) & Others
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>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Arun Kumar and Col RA Pandey (Retd), learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents are present.</p> <p style="text-align: center;">List on 26.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 184 of 2020

Vijay Pal 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>16.03.2021</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 KK Misra, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, list on 25.03.2021 for physical 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

T.A. No. 378 of 2010

Mukesh Kumar

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Arun Kumar, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>List on 09.04.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No 337 of 2020

Ex Sub Harish
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>16.03.2021</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>O.A. No. 337 of 2020, Ex Sub Harish, vs. Union of India and others is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 65 of 2021

Sep Deepak Singh Chauhan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>16.03.2021</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 Shiva Nand Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Objection to the interim relief prayer filed by the respondents and additional documents filed by the applicant are taken on record.</p> <p>Heard learned counsel for the parties.</p> <p>By means of this application applicant has prayed to quash and set aside his discharge order issued vide letter No 30004/Disch JCOs OR/Mar-21/CA-4 (vi) dated 29.12.2020, contained in Annexure A-1 to this application, and while restoring his rank of Havildar has also prayed to stay the effect and operation of the aforesaid discharge order dated 29.12.2020 issued by Army Ordnance Corps (AOC), Respondent No 6 till final decision of application.</p> <p>Applicant was enrolled in the Indian Army on 17.03.2001 as Sepoy and while posted as Havildar Store Keeper Technical Signal with 619 Electronics and Mechanical Engineers Battalion (EME Bn), he was tried by District Court Martial (DCM), (a) for one charge under Section 41(2) of Army Act, 1950 for disobeying a lawful Command given by his Senior Officer and (b) for two charges under Section 63 of Indian Army Act, 1950 for an Act prejudicial to good order and military discipline.</p>

Applicant was held guilty on all charges levelled against him and sentenced to (a) to be reduced to rank and (b) to suffer rigorous imprisonment for three months by District Court Martial order dated 14.05.2018. The above sentences were subject to confirmation as provided under Section 153 of Indian Army Act, 1950.

Learned counsel for the applicant submitted that sentences passed by the DCM did not get confirmed by the competent authority, as in case of being confirmed applicant would never be paid salary of pay level 6 that is of Havildar for month ending December, 2020, Annexure A-3 (Page 39), nor would he be detailed to undergo Havildar to Nb Sub promotion course, Appexure-A5 (Page -48) of Original Application.

Learned counsel for the applicant further submitted that applicant requested respondents time and again by writing letters and serving legal notices to provide copies of COI report and final judgment after completion of DCM proceedings but the same were not supplied to him which also indicates that sentences awarded by the DCM were not confirmed.

He further submitted that in case sentences being not confirmed applicant is entitled to extension of service for a period of two years but instead doing the same respondents have issued a discharge order vide letter No 30004/Disch JCOs OR/Mar-21/CA-4 (vi) dated 29.12.2020 directing the applicant to be discharged from service w.e.f. 31.03.2021 which is quite unjust and illegal. Therefore, the learned counsel submitted that the above discharge order be stayed and applicant be permitted to continue in service subject to decision of O.A.

Per contra, learned counsel for the respondents submitted that applicant's prayer seeking quashing of discharge order and staying effect and operation of this order till disposal of O.A. is not maintainable and, therefore, liable to be dismissed as such, as neither applicant has challenged the findings and sentences awarded by the District Court Martial in disciplinary proceedings initiated against him nor he has exhausted the statutory remedies available to him under Section 164 of the Army Act, 1950 by filing pre

confirmation and post confirmation petition against finding and conviction before the competent authority.

Further, learned counsel for the respondents submitted that applicant, who is an indisciplined army personnel, does not deserve to remain in service after completing the terms of engagement as Sepoy to which he was reduced after being convicted in disciplinary proceedings by DCM and the conviction being confirmed by the appropriate authority.

He submitted that army is a most disciplined organisation wherein everyone is supposed to act and behave like a disciplined soldier and if someone breaches the benchmark established by the organisation by his act, conduct or behaviour he has no right to remain in service, whosoever he be.

In the case of applicant, the learned counsel submitted that while posted at field on 29th and 30th December 2016 with 619 EME Bn, he not only disobeyed a lawful command given by his superior officer by refusing to perform guard duty as per his detailment but he also acted very prejudicially by misbehaving with his superior officer and brandishing his weapon (Carbine Machine Gun) to dissuade two JCOs when they were trying to approach him.

Learned counsel for the respondents submitted that applicant has been held guilty for the breaches he made and has been ordered to be reduced to rank and to suffer three months rigorous imprisonment for the said breaches by the DCM by its order dated 14.05.2018 and the said order of DCM has been confirmed by the GOC Inf Div on 09.08.2018, and the same has been promulgated also by CO 519 ASC Ban on 10.08.2018, and pursuant thereto applicant is being made discharged w.e.f. 31.03.2021 on completing the terms of engagement as Sepoy i.e. twenty years.

Upon hearing submissions of learned counsel of the parties and having gone through facts and circumstances of the case we find that applicant was subjected to disciplinary proceedings by DCM on charges for showing wilful disobedience to superior officer of his unit by refusing to perform the guard duty allotted to him and doing acts prejudicial to good order and military discipline by refusing to obey his superiors order and brandishing his personal weapon to two JCOs of his unit when they tried to approach him. The charges

in trial have been found proved and applicant has been awarded punishments for the same by reducing him to rank and to suffer three months rigorous imprisonment and the same have been approved also.

At this stage, we are not convinced to believe that punishment awarded to applicant by DCM in disciplinary proceedings has not been confirmed by the competent authority as provided in Section 153 of the Army Act, more so when respondents claim to have the same promulgated by CO 519 ASC Bn on 10.08.2018. Admittedly, no pre-confirmation and post confirmation petitions have been submitted by the applicant as provided under Section 164 of the Army Act nor the finding and punishment awarded by the DCM have been challenged in the present application.

Therefore, in the present situation, we do not find it appropriate to interfere with discharge order impugned in the present application by staying effect and operation of the order. The prayer for grant of interim relief is accordingly rejected.

Let detailed counter affidavit be filed within four weeks from today. Thereafter, rejoinder affidavit, if any, may be filed within two weeks.

List on **18.05.2021** before the Registrar Court for exchange of pleadings.

List on **05.07.2021** before Tribunal for hearing.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-