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

M.A. No. 114 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Chief Mechanician Kariya Dhar 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Arun Kumar Sahu, Advocate filed power today in Court on behalf of the respondents which is taken on record. Heard Shri B.B. Tripathi, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. The Original Application has been filed with delay of 32 years, 08 months and 10 days. 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. 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. 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. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 128 of 2021** The innocuous prayer of the applicant is that to direct the respondents to decide the applicant's representation dated 13.11.2020 , which is pending with the respondents. 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 dated 13.11.2020, annexed as Annexure No. 6 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. Let a copy of this order be provided to the learned Counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Court No.1 (E. Court)

M.A. No. 115 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Nk. Pragat 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Amrita Chakraborty, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Ashish Kumar Verma, Ld. Counsel for the applicant and Ms. Amrita Chakrabotry, Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 10 months and 29 days. 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. 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. 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. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 129 of 2021** It is a fit case for adjudication. Admit. 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. List the matter before Registrar on **19.04.2021** for exchange of pleadings. List the matter before Tribunal on **03.05.2021.** **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** AKD/-

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

M.A. No. 112 of 2021 with M.A. No. 113 of 2021 Inre : O.A. No. 553 of 2018

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

Versus

Ex. Sep. Ram Otar Singh Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Anurag Mishra, Ld. Counsel for the applicants - Union of India and Others and Shri Rohitash Kumar Sharma, Ld. Counsel for the respondent are present. This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 553 of 2018. Admittedly, the application is time barred and has been moved beyond statutory period. The Tribunal lacks jurisdiction to condone the delay under the Armed Forces Tribunal Act, 2007. It is well settled proposition of law that the Tribunal is not empowered to condone delay in moving application for leave to appeal. Accordingly application for condonation of delay in moving application for grant of leave to appeal is not maintainable and is **rejected**. In consequence thereof application for leave to appeal is also **rejected**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

R.A. No. 7 of 2021 Inre ; O.A. No. 01 of 2021

Nk. Ali Anwarali Manwarali 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Sunil Sharma, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. As prayed, list on **19.02.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

R.A. No. 8 of 2021 Inre : O.A. No. 696 of 2017

Ex. Nk. Chhun Bahadur 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of respondents which is taken on record. On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents seeks and is allowed two weeks time to seek instructions. List on **26.03.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Diary No. 1171 of 2019 Ine : O.A. No. (Nil) of 2019

Dfr. Shiv Chand Singh Chauhan 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yogesh Kesarwani, Ld. Counsel for the respondents is present. 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. Accordingly, we **dismiss** Diary No. 1171 of 2019 for non prosecution. In consequence thereof Original Application is also **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 138 of 2017 with M.A. No. 116 of 2021, M.A. No. 179 of 2019
Inre : T.A. No. 83 of 2012

Jyoti Prakash Pandey 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri B.N. Choubey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents. **M.A. No. 116 of 2021** Submission of Ld. Counsel for the applicant is that in compliance of order dated 21.01.2017 passed by this Tribunal the applicant has been reinstated notionally, the applicant was notionally promoted as SWA-5 on 10.01.1991 and notionally retired from the rank of SWA-5 w.e.f. 09.01.2002 i.e. after 15 years of service. Accordingly, revised P.P.O. has been issued by the respondents in May, 2019. The respondents have not issued Discharge Book as per Section 17(4) of Navy Act to the applicant. The respondents have issued a certificate showing only the name of applicant's wife and the rank fo the applicant as SWA/APP instead of SWA5 vide letter dated 26.04.2018. The names of children have not been mentioned. His further submission is that without issuance of Discharge Book containing the complete details of the family, the applicant cannot avail the medical facilities since ECHS Card cannot be issued. Further, CSD Canteen Card also cannot be issued in absence of Discharge Book. Ld. Counsel for the respondents has vehemently opposed the prayer saying that the respondents have complied with the order under execution and there is no mention in the order for issuance of Discharge Book. We have gone through the order 21.01.2017 passed by this Tribunal T.A. No. 83 of 2012, Jyoti Prakash Pandey Versus Union of India and Others, which is being reproduced as under :- *"In the above conspectus, the petition deserves to be allowed and is accordingly allowed. The impugned order dated 16.04.1991 being unsustainable is set aside with all consequential benefits. Since the petitioner has already attained the permissible age of service in the*

Navy, he would be notionally reinstated and retired as per service for the first rank. He will not be entitled for back wages. However, he will be entitled for all Pensionary benefits from the date of notional retirement. The arrears shall be paid within 4 months of receipt of this order failing which the petitioner will be entitled for interest @9% for the period of delayed payment."

We have also gone through para 3 of the order dated 25.11.2020 which is reproduced as under:-

> **"**We have perused order under execution and find that there is no mention it directing respondents to issue discharge book to the applicant. Even there is no mention in this regard in the Original Application including the relief claimed. In absence of any direction to respondents to issue discharge book to applicant in the order, no such direction can be given to respondents in the execution proceedings."

Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case we find that petitioner has been held entitled to all Pensionary benefits from the date of notional retirement, which includes issuance of Discharge Certificate also so the applicant may be issued ECHS Card for medical facilities as well as CSD Canteen Card.

In the result, application is allowed and the respondents are directed to issue Discharge Book containing complete family details to the applicant so that applicant may be issued ECHS Card as well CDS Canteen Card within a period of three months from the date of receipt of a certified copy of this order

With the above direction, Execution Application stands **disposed off**.

(Vice Admiral Abhay Raghunath Karve) **Member (A)**	**(Justice Umesh Chandra Srivastava)** **Member (J)**

AKD/-

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

Ex. A. No. 123 of 2019 Inre : O.A. No. 171 of 2019

Ex. Nk. Shit Basant Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present. Ld. Counsel for the applicant prays for and is granted ten days time to file objection against affidavit of compliance. List on **01.03.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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{See rule 11(1)}
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Court No.1 (E. Court)

Ex. A. No. 23 of 2020 Inre : O.A. No. 524 of 2019 with M.A. No. 857 of 2019

Ex. Hav. (Hony. Nb. Sub.) Santosh 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present. Shri Rajeev Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad) is also present and he submits that he could not check the applicant's account regarding credit of arrears. Affidavit of compliance filed by the respondents is taken on record. List on **02.03.2021.** Shri Rajeev Tiwari will check the applicant's account and inform the Tribunal regarding credit entry. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 1823 of 2017 with M.A. No. 968 of 2018 Inre : O.A. No. (Nil) of 2017

Badam 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal and Shri Vinod Kumar Singh, Ld. Counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 1969 of 2017 with M.A. No. 1970 of 2017 Inre : O.A. No. 166of 2011

Sachchida Nand Tiwari Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present. 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. In the interest of justice case is adjourn for the day. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 220 of 2019

Hav/SKT Singh Manoj Kumar Shri Narayan 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Arvind K. Tripathi, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. Despite several opportunities applicant has not filed Rejoinder Affidavit, hence, opportunity to file Rejoinder Affidavit is closed. List on **15.04.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 277 of 2019

Ex. Gnr. Shiv Shankar 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 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. Despite several opportunities applicant has not filed Rejoinder Affidavit, hence, opportunity to file Rejoinder Affidavit is closed. List on **22.04.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** AKD/-

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

O.A. No. 451 of 2019

Ex. Sgt. Ajay Pratap 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Original Application is **allowed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 542 of 2019 with M.A. No. 852 of 2019

Ex. Hav. APS Kushwaha 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents. Original Application is **allowed.** For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 30 of 2020 with M.A. No. 30 of 2020

Ex. Nk. Pawan 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Amrendra Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the applicant, list on **16.04.2021** for final hearing. In the meantime applicant may file Rejoinder Affidavit, if any. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** AKD/-

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{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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O.A. No. 61 of 2020 with M.A. No. 908 of 2019

Smt. Gayatri W/o Late Ex. Gnr. Tulsi Ram 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none appears on behalf of teh applicant. Ms. Anju Singh, Ld. Counsel for the respondents is present. Despite several opportunities applicant has not filed Rejoinder Affidavit, hence, opportunity to file Rejoinder Affidavit is closed. List on **15.04.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 75 of 2020 with M.A. No. 914 of 2019

Ex Sep Ravender 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents. **M.A. No. 914 of 2019** There is delay of 29 years, 08 months & 16 days in filing Original Application. 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. 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. Considering that in pensionary matters bar of limitation is not applicable and cause shown for the delay, if any, is sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 75 of 2020** Heard. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 90 of 2018

Umesh Oraon 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri S.K. Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents, assisted by Maj Sini Thomas, Departmental Representative. Arguments concluded. Order is reserved. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 250 of 2019

Hony Fg Offr Gopal Dwivedi 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rishabh Tripathi, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents. Original Application is **allowed**. For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 153 of 2020 with M.A. No. 149 of 2020

Ex Nk Gurpreet 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Singh and Shri Vikas Singh Chauhan, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents. Counter affidavit filed by the respondents is taken on record. List on **30.04.2021** for final hearing. In the meantime, rejoinder affidavit, if any, may be filed by learned counsel for the applicant. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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Court No.1 (E. Court)

M.A. No. 1892 of 2016 Inre O.A. (Nil) of 2016

Smt Kamla Devi 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Shri Ambrish Dubey, Shri Ashutosh Kumar Srivastava and Shri Rajesh Shukla, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

Form No. 4
{See rule 11(1)}
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Court No.1 (E. Court)

M.A. No. 1671 of 2017 Inre O.A. (Nil) of 2017

Smt Anupama Mishra Applicant
By Legal Practitioner for the Applicant

Versus

Managing Director AGI & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virendra Kumar Gupta, learned counsel for the applicant and Shri Ashutosh Kumar Srivastava, Dr. Shailendra Sharma Atal and Shri Vinod Kumar Singh, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

M.A. No. 2018 of 2017 Inre O.A. (Nil) of 2017
alongwith
O.A. No. 234 of 2018

Kunwar Singh Shakya Applicant
By Legal Practitioner for the Applicant
Versus
Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Kunwar Singh Shakya Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Ors Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, learned counsel for the applicant and Ms Appoli Srivastava, Shri Adesh Kumar Gupta and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

M.A. No. 2222 of 2017 Inre O.A. (Nil) of 2017

Smt Mithlesh Devi 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Shri Sunil Sharma, Shri Vinod Kumar Singh and Shri Ashutosh Kumar Srivastava, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

M.A. No. 769 of 2018 Inre O.A. (Nil) of 2018

Puran Chandra Joshi 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, learned counsel for the applicant and Shri Ashutosh Kumar Srivastava, Shri RC Shukla and Shri Vinod Kumar Singh, learned counsel for the applicant are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 319 of 2017

Shiv Nath 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri AK Singh, learned counsel for the applicant and Shri RKS Chauhan, Shri Vinod Kumar Singh and Shri Asjhutosh Kumar Srivastava, learned counsel for the respondents are present. List on **27.05.2021**. **(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

O.A. No. 398 of 2017

Smt Minakshi Bisht 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing, Shri R Chandra, learned counsel for the applicant and Dr. Chet Narain Singh, Shri Ashutosh Kumar Srivastava and Shri Vinod Kumar Singh, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 223 of 2018

Prashant 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing, Shri DS Tiwari, learned counsel for the applicant and Dr. SN Pandey, Shri Ashutosh Kumar Srivastava and Shri Vinod Kumar Singh, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

T.A. No. 596 of 2010

Udai Veer Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col BP Singh (Retd), learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. List on **15.04.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 85 of 2016

Mahendra Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 498 of 2017

Smt Kavita Devi 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KK Misra, learned counsel for the applicant and Shri Virendra Singh, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 75 of 2018

Kamlesh 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Devki Nandan Pandey, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents are present. List on **23.03.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(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

O.A. No. 88 of 2018

Surendra 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri AK Singh and Shri Yashpal Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present. List on **24.03.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(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

O.A. No. 91 of 2018

Maneesh 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Sudhir Kumar Singh, learned counsel for the applicant and Mohd Zafar Khan, learned counsel for the respondents are present. List on **25.03.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(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

O.A. No. 411 of 2018

Ex Rect Jitendra Kumar 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 571 of 2018

Ganga 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri DS Kauntae, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents are present. Despite opportunity having been granted, no rejoinder affidavit has been filed as yet. Therefore, opportunity to file rejoinder affidavit is closed. List on **26.03.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 20 of 2019

Smt Batani, widow of
Prabhu Dayal (deceased) 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virendra Kumar Gupta, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present. Shri Virendra Kumar Gupta, learned counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No.1(13)/2016/D (Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Shri Amit Jaiswal, learned counsel for the respondents has no objection. With the consent of learned counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D (Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents. Let a copy of this order be provided to the learned counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 105 of 2019

Inam 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Kuldeep K. Srivastav and Ms Hemlata, Advocate holding brief for Ms Ruby Singh, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents. 1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:- *(a) an order or direction quashing the impugned order dated 27.05.2016 passed by the opposite party No.4 contained in Annexure No.1, to the claim petition, be issued.* *(b) an order or direction be issued directing the opposite parties to pay the disability pension or;* *(c) Some other suitable order which may be deemed fit and proper in the circumstances of the case, including an order of awarding the cost of this application in favour of the applicant against the respondents hereto be issued.* 2. Brief facts of the case giving rise to this application are that the applicant was enrolled in the Indian Army on 07.12.1980 and after having completed more than 16 years of service, he was discharged from service in low medical category CEE (permt) on 30.04.1996. Prior to discharge from service the applicant was brought before Release Medical Board (RMB) held at Military Hospital, Dharangadhra on 19.02.1996 which assessed the

applicant to be suffering from 'Sensori Neural Deafness 389, V-67' @ 30% for two years and opined it to be attributable to military service. However, disability pension claim preferred by the applicant was rejected vide order dated 31.03.1997 on the ground that the disability with which the applicant suffered is constitutional in nature and not connected with military service. First Appeal against rejection of disability pension claim was required to be preferred within six months but the applicant failed to do so. The applicant is in receipt of service pension. The applicant has filed this O.A. for grant of disability pension.

3. Ld. Counsel for the applicant submitted that the applicant was enrolled in the Army in medically and physically fit condition and there was no note in his service documents with regard to suffering from any disease prior to enrolment, therefore any disability suffered by the applicant after joining the service should be considered as attributable to or aggravated by military service in terms of para 423 (c) of Pension Regulations for the Army and the applicant should be entitled to disability pension. Ld. Counsel for the applicant further submitted that disability pension claim of the applicant has been rejected in a cavalier manner without assigning any meaningful reason. Further submission of Ld. Counsel for the applicant is that the applicant, on 07.02.1985 while posted at Arunachal Pradesh (High Altitude Area), was diagnosed to be suffering from aforesaid disability. This disease he feels is due to stress and strain related rigors of military service. He concluded by pleading for grant of disability pension to the applicant.

4. On the other hand, Ld. Counsel for the respondents pleaded

that though the RMB has declared the applicant's disability as attributable to military service but the pension sanctioning authority have rejected the claim being disability as constitutional nature. Ld. Counsel further submitted that the competent authority has rightly rejected claim of the applicant. He pleaded for dismissal of O.A.

5. Heard the Ld. Counsel for the parties and perused the material placed on record. We have also gone through the RMB and the rejection order of disability pension claim.

6. After having gone through the RMB, we find that in the RMB dated 19.02.1996 in Part II of the board proceedings it has been clearly mentioned that the disability of the applicant is 'due to noise of artillery fire', and has been rightly termed as attributable to military service. However, the opinion of RMB has been overruled by the competent authority on the ground of disability being constitutional in nature and not related to military service. In this context the issue of primacy of the opinion of a Medical Board is no more RES INTEGRA. The same has been upheld by the decision of the Hon'ble Apex Court in the case of ***Ex. Sapper Mohinder Singh vs Union of India & Ors,*** Civil Appeal No 164 of 1993 decided on 14.01.1993. The operative portion of the aforesaid judgment is as under:-

> *"From the above narrated facts and the stand taken by the parties before us, the controversy that falls for determination by us is in a very narrow compass viz. whether the Chief Controller of Defence Accounts (Pension) has any jurisdiction to sit over the opinion of the experts (Medical Board) while dealing with the case of grant of disability pension, in regard to the percentage of the disability pension, or not. In the present case, it is nowhere stated that the Applicant was subjected to any higher medical Board before the Chief Controller of Defence Accounts (Pension) decided to decline the disability pension to the Applicant. We are*

unable to see as to how the accounts branch dealing with the pension can sit over the judgment of the experts in the medical line without making any reference to a detailed or higher Medical Board which can be constituted under the relevant instructions and rules by the Director General of Army Medical Core."

7. Thus in light of the law settled by Hon'ble Apex Court, we agree with findings of RMB which has conceded 'Sensori Neural Deafness 389, V-67' of the applicant as attributable to Military service @ 30% disability for two years and we set aside the order of PCDA (P) Allahabad dated 31.03.1997 on this matter.

8. As a result of foregoing discussion, the O.A. is **partly allowed**. The impugned order is set aside. The disability of the applicant is to be considered as attributable to military service @ 30% for two years. The applicant shall be granted disability element @ 30% rounded off to 50% for two years from the date of discharge in terms of the Hon'ble Apex Court judgment titled ***Union of India and Ors vs. Ram Avtar & Ors,*** (Civil Appeal No 418 of 2012 dated 10th December 2014). The respondents are directed to hold applicant's Re-survey Medical Board (RSMB) for re-assessing his present medical condition within a period of three months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum. Further entitlement of disability element of pension shall be subject to the outcome of the RSMB.

9. No order as to costs.

10. 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

O.A. No. 573 of 2019

Ex Sub Yadvendra Pratap 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri DS Tiwari, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present. List on **27.05.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 414 of 2020

Km Basanti D/O
Ex Late Sep Madhav 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KP Datta, learned counsel for the applicant and Dr. SN Pandey, learned counsel for the respondents are present. Learned counsel for the respondents prays for and is allowed a week further time to file counter affidavit. It is made clear that in case counter affidavit is not filed within the aforesaid period, opportunity to file the same shall be closed without any reference. Maj Tarun, Departmental Representative submitted that grievances of applicant have already been redressed and disposed off. Respondents are directed to produce copy of letter vide which grievances of applicant have been redressed. List on **24.02.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 240 of 2017

Sinhasan 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**
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 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. List on **16.03.2021** for final hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No 55 of 2021

Ex Rfn Keval Rana 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri KK Singh Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative. In para 2 of show cause of notice, which has been annexed as Annexure A-1 (i) to the O.A., it has been stated that on account of having rendered 9 years and 10 months service applicant is eligible to get disability element on the basis of percentage of disability assessed by the medical authority during RMB. Similarly, in para 3 of notice it has been stated that unit is facing difficulty in manpower and management of the same has been adversely affected due to shortage of manpower and increase in LMS personnel in the unit. During the course of hearing when a query was put with regard to total strength of jawans and LMS personnel in the unit and also if there is any prescribed ratio among them, Maj Sini Thomas, Departmental Representative sought a week's time to seek instructions to reply which was allowed. List on **24.2.2021** for further hearing on interim relief. Let copy of order be given to Maj Sini Thomas, Departmental Representative for necessary action. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 206 of 2019

Smt Savitri Chand, W/o Late Nb Sub Rami Chand Rajan 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
	17.02.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** O.A. No. 206 of 2019, Smt Savitri Chand, W/O Late Nb Sub Rami Chand Rajan, vs. Union of India and others is partly **allowed.** For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-