O.A. No. 282 of 2021

Ex. POLOG (MAT) Ranjan Kumar Mishra By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	Counter Affidavit filed by the respondents is taken on record.
	Heard Shri K.P. Datta, Advocate holding brief of Shri Om Prakash
	Kushwaha, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld.
	Counsel for the respondents.
	Original Application is dismissed .
	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/-

O.A. No. 387 of 2021

Col. Kush Kumar Sharma (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Counter Affidavit filed by the respondents is taken on record.
	Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Rajesh Shukla, 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/-

O.A. No. 550 of 2021

Ex. Hav. Kailash Chandra Behera

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	<u>17.12.2021</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Counter Affidavit filed by the respondents is taken on record.
	Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and
	Shri Devesh Kumar, 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/-

O.A. No. 820 of 2021

Hav. Krishna Kant Pandey

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents. 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 14.02.2022 for exchange of pleadings. List the matter before Tribunal on 23.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 821 of 2021 with M.A. No. 966 of 2021

Ex. ACP Nb. Sub. Mahendra Kumar Singh By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> 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 the respondents is taken on record.
	Heard Shri V.K. Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant
	and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.
	The matter pertains to claim of LTC.
	There is a delay of 02 years, 01 month and 13 days in filing of Original
	Application regarding which an application for condonation of delay has been filed and
	in support thereof an affidavit has also been filed.
	It is submitted by the Ld. Counsel for the applicant that delay in filing
	Original Application is not intentional.
	The Ld. Counsel for the respondents ahs vehemently opposed the prayer
	and has submitted that delay has not been properly explained.
	Upon hearing submissions of Ld. Counsel of both sides and considering the
	facts and circumstances of the case we are of the view that delay is liable to be
	condoned.
	Accordingly, delay is condoned. Delay Condonation Application stands
	decided accordingly.
	O.A. No. 821 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 14.02.2022 for exchange of pleadings.
	List the matter before Tribunal on 23.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 822 of 2021 with M.A. No. 967 of 2021

Ex. Sep. Pyare lal

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of	Orders of the Tribunal
the Registry	
	<u>17.12.2021</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the
	respondents is taken on record.
	Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri
	Sunil Sharma, Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 13 years, 04 months
	and 13 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.
	O.A. No. 822 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 14.02.2022 for exchange of pleadings.
	List the matter before Tribunal on 23.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 823 of 2021

Versus

Gp. Capt. Manoj Kumar Baranwal (Retd.)

Applicant

By Legal Practitioner for the Applicant

Respondents

	Orders of the Tribunal
the Rogistry	
Registry	
	<u>17.12.2021</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	non ble vice Auffiral Abriay Ragnunatii Raive, Member (A)
	Memo of Appearance filed by Ms. Amrita Chakraborty, Advocate on
	behalf of the respondents is taken on record.
	Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms.
	Amrita Chakraborty, Ld. Counsel for the respondents.
	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 14.02.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 23.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 824 of 2021 with M.A. No. 968 of 2021

Ex. Laskar Sunil Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

the	Orders of the Tribunal
Registry	
	<u>17.12.2021</u> 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 Amit Jaiswal, Advocate appeared on behalf of the respondents and filed Memo of Appearance which is taken
	on record.
	Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Amit
	Jaiswal, Ld. Counsel for the respondents.
	This is an application filed under Section 14 of the Armed Forces Tribunal
	Act, 2007 for grant of service pension.
	There is a delay of 17 years and 11 days in filing of Original Application
	regarding which applicant has filed an application supported with an affidavit for
	condonation of delay and has stated that delay in filing of Original Application is not
	intentional. Ld. Counsel for the applicant has also submitted that law of limitation is not
	applicable in pensionary matter as it is a recurring cause of action of which cause of
	action accrues in every month.
	Ld. Counsel for the respondents has vehemently opposed the prayer and
	has submitted that long delay being more than 17 years, delay should not be
	condoned.
	Upon hearing submission of Ld. Counsel of both sides and considering that
	law of limitation is not applicable in pensionary matter and also that cause shown for
	the delay is sufficient, we condone the delay.
	Delay condonation application stands decided accordingly.
	O.A. No. 824 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 on 23.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/-

O.A. No. 839 of 2021 with M.A. No. 989 of 2021

Ex. Nk. Avnesh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of	Orders of the Tribunal
the Registry	
	<u>17.12.2021</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Somesh Singh, Advocate on behalf of the
	respondents is taken on record.
	Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri
	Somesh Singh, Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 16 years, 04 months
	and 13 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.
	O.A. No. 839 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 14.02.2022 for exchange of pleadings.
	List the matter before Tribunal on 23.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 840 of 2021 with M.A. No. 990 of 2021

Ex. Gnr. Ram Kishore Mishra By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

	Orders of the Tribunal
the Registry	
	<u>17.12.2021</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf
	of the respondents is taken on record.
	Heard Shri Gaurav Gupta and Shri Gaurav Singh, Ld. Counsel for the
	applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 02 years, 05 months
	and 13 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.
	O.A. No. 840 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 14.02.2022 for exchange of pleadings.
	List the matter before Tribunal on 23.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/-

O.A. No. 841 of 2021 with M.A. No. 991 of 2021

Ex. Sgt. Sandeep Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of	Orders of the Tribunal
the Registry	
Registry	
	17.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Ms. Deepti Prasad Bajpai, Advocate on behalf
	of the respondents is taken on record.
	Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Ms.
	Deepti Prasad Bajpai, Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 04 years, 01 month and
	13 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.
	O.A. No. 841 of 2021
	It is submitted by the Ld. Counsel for the applicant that his case is squarely
	covered by the Judgment of this Tribunal in Original Application No. 201 of 2020, Sgt.
	Surendra Kumar (Retd.) Versus Union of India and Others, decided on 23.07.2021.
	Ld. Counsel for teh respondents submits that she has to seek instructions in
	the matter.
	Let instructions be sought within two weeks.
	List on 01.02.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) AKD/-

<u>Court No.1</u> O.A. No. 942 of 2021 with M.A. No. 992 of 2021

Versus

Applicant

Respondents

Ex. ORA Sardar Raja Singh By Legal Practitioner for the Applicant

Notes of	Practitioner for Respondents Orders of the Tribunal
the	
Registry	
	17.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on
	behalf of the respondents is taken on record.
	Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra
	Sharma Atal, Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 02 years, 01 month
	and 18 days.
	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.
	Ld. Counsel for the respondents has opposed on the ground that
	explanation offered for condonation of delay is not satisfactory.
	We have gone through affidavit filed in support of application for
	condonation of delay and find that grounds stated therein are genuine and sufficient.
	As such, delay in filing application is condoned. Application stands decided
	accordingly.
	O.A. No. 942 of 2021 Applicant has filed this Original Application for issuing direction to the
	Applicant has filed this Original Application for issuing direction to the respondents to pay allowances to him, namely, TFR Grant, TPTL, SCCIA and HRA at
	the prescribed rate. He has also sought relief to issue direction to the respondents to
	refund the amount deducted from his salary for the period of imprisonment from the
	year 2015 i.e. Rs.57,000/- and Rs.60,000/- after punishment on 22.06.2017.
	It is submitted by the Ld. Counsel for the applicant that for the offences of
	over staying leave and absence, applicant was tried by Summary Court Martial and
	awarded two months rigorous imprisonment in military custody. The applicant
	underwent for aforesaid rigorous imprisonment and when almost completed two
	months suddenly the order of punishment was withdrawn and applicant was again
	subjected to trial for the aforesaid offences and was sentenced with 57 days rigorous
	imprisonment in military custody by the Summary Court Martial dated 22.06.2017. He
	submitted that that applicant is not challenging the punishment awarded to him in the
	Summary Court Martial proceedings rather he is challenging deduction made from pay
	and allowances as the same has been wrongly deducted.
	and anowahous as the same has been wrongly deducted.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
Counter Affidavit. Thereafter, Rejoinder Affidavit, if any, may be filed within two weeks. List on 23.03.2022.
Ld. Counsel for the respondents seeks and is allowed four weeks time to file
admitted for hearing.
Points raised in Original Application need consideration, therefore, it is
maintainable on the pleas taken by the respondents. Accordingly, Original Application is held maintainable.
well as relief claimed and we find that the Original Application cannot be held not
We have gone through the averments made in the Original Application as
challenged in present Original Application, the Original Application is not maintainable.
of punishment awarded to applicant in Summary Court Martial has not been
In reply, the Ld. Counsel for the respondents submitted that since the order

<u>Court No.1</u> M.A. No. 988 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Hav. Ashok Kumar Tiwari By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
Registry	
	<u>17.12.2021</u> Han'ble Mr., Justice Umach Chandre Srivestave, Member (I)
	<u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	<u></u>
	On the case being taken up for hearing Shri Nishit Mishra, Ld. Counsel for
	the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are
	present.
	In response to defect pointed out by the registry, delay condonation
	application has been filed by the applicant.
	Defect stands removed.
	This Original Application has been filed regarding reimbursement of medical
	claim of Rs.4,72,377/- in respect of applicant's son's treatment Mr. Rahul Tiwari.
	There is a delay of 05 years, 07 months and 10 days in filing of Original
	Application regarding which an application for condonation of delay has been moved.
	An affidavit has also been filed in support of delay condonation application
	stating therein that delay in filing Original Application is not intentional.
	Ld. Counsel for the respondents has vehemently opposed the prayer.
	Upon hearing submissions of Ld. Counsel of both sides and considering the
	facts and circumstances of the case we are of the view that cause shown for the delay
	seem sufficient, therefore, delay condonation application is allowed .
	Let Original application be registered.
	O.A. No. 851 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 on 08.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 86 of 2018 Inre : T.A. No. 595 of 2010

Vijay Keshav Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	On the case being taken up for hearing Wg. Cdr. S.N. Dwivedi
	(Retd.), Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for
	the respondent Nos. 1 to 5 are present.
	Despite service of notice held deemed sufficient on respondent Nos. 6
	and 7 no one is present on their behalf, the Execution Application shall proceed
	exparte against them.
	Ld. Counsel for the applicant submits that in compliance of the order
	under execution P.P.O. has been issued and arrears have also been received
	in applicant's account. However, there is some discrepancies in payment of
	pension as amount received does not match for which clarification Bank has
	been impleaded as a party. Since no one is present on behalf of the Bank
	despite service of notice the Branch Manager, Syndicate Bank (now merged
	with Canara Bank0 Bidhuna Branch, District Auraiya, Uttar Pradesh is directed
	to be physically present in the Court on the next date fixed to explain reason
	why the order has not been complied with.
	Applicant is directed to serve copy of this order upon the respondent
	Nos. 6 and 7.
	List on 18.02.2022 .
	Let copy of this order be provided to the Ld. Counsel for the applicant
	forthwith for compliance.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 33 of 2019 Inre : T.A. No. 92 of 2011

Ex. Sigmn. Jayant Bagchi By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	On the case being taken up for hearing Shri R. Chanda, Ld. Counsel
	for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.
	It is submitted by the Ld. Counsel for the respondents that inquiry
	regarding name of applicant's wife has been completed and Corrigendum
	P.P.O. is in process of being generated, therefore, two weeks further time be granted.
	In view of the aforesaid, two weeks further time is granted to the
	respondents with condition that if the Corrigendum P.P.O. is not issued in the
	given time, respondents shall pay Rs.10,000/- as cost to the applicant.
	List on 18.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 4 of 2021 Inre : O.A. No. 590 of 2018

Versus

Ex. Rect. Surendar Prasad

Applicant

By Legal Practitioner for the Applicant

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
Registry	
	<u>17.12.2021</u> 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, Ld. Counsel
	for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are
	present.
	It is submitted by the Ld. Counsel for the respondents that R.S.M.B.
	of applicant has been done and its report has been sent to higher formation for
	perusal. It is further submitted that as soon the report is perused, affidavit of
	compliance will be filed.
	Considering the aforesaid submission, respondents are directed to file
	affidavit of compliance within two weeks failing which they shall be liable to pay
	Rs.10,000/- as cost to the applicant.
	Respondents are further directed to pay the cost due against them by
	the next date fixed.
	List on 31.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 56 of 2021 Inre : O.A. No. 359 of 2019

Ex. Hav. Suresh Kumar Yadav

Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

By Legal Practitioner for the Applicant

Notes of	Orders of the Tribunal
the Registry	
	<u>17.12.2021</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Yashpal Singh, Ld. Counsel for the applicant, Shri Anurag
	Mishra and Shri D.C. Lohumi Ld. Counsel for the respondent.
	On the last date it was submitted by the Ld. Counsel for the
	respondents that P.P.O. has been generated and affidavit of compliance will be
	filed within two weeks. However, the said affidavit of compliance has not been
	filed as yet, rather it is submitted that there being some problem the affidavit
	could not be filed. A copy of P.P.O. has been produced before us for our
	perusal. A perusal of the P.P.O. reveals that it is not in terms of order passed in
	Original Application as there is no mention of interest in it despite being
	mentioned in order and in Government Sanction as well. This shows casual
	attitude of those who are involved in process of generation of P.P.O. in office of
	Principal Controller of Defence Accounts (Pension,) Prayagraj.
	The Principal Controller of Defence Accounts (Pension), Prayagraj is,
	therefore, directed to look into the matter and to ensure that correct
	Corrigendum P.P.O. is issued in the case on hand within two weeks from today
	failing which Principal Controller of Defence Accounts (Pension), Prayagraj will
	be liable to pay Rs.25,000/- as cost to the applicant which will be recovered
	from the salary of concerned official.
	List on 31.01.2022 .
	Let copy of this order be provided to the Ld. Counsel for the
	respondents/AFT Legal Cell within two days for compliance.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) Member (J)
	AKD/-

Ex. A. No. 57 of 2021 Inre : O.A. No. 719 of 2020

Ex. Hav. Surendra Singh Sengar By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri
	Asheesh Agnihotri, Ld. Counsel for the respondent Nos. 1 to 4 and Shri D.C.
	Lohumi, Ld. Counsel for the respondent No. 5.
	Affidavits of compliance filed by the respondents are taken on record.
	During the course of hearing, Ld. Counsel for the applicant submitted
	that order under execution has been complied with.
	In view of the aforesaid, Execution Application is dismissed being
	infructuous.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

M.A. No. 369 of 2021 Inre : M.A. No. 127 of 2021 Inre : R.A. No. 5 of 2021 and O.A. No. 495 of 2018

Versus

Ex. Rect. Durgesh Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	<u>M.A. No. 369 of 2021</u>
	Objection to recall application filed by the respondents is taken on
	record.
	Heard Shri Sushil Kumar Singh and Shri Pradeep Kumar Singh, Ld.
	Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the
	respondents.
	Considering that cause shown for delay in filing recall application is
	sufficient, delay is condoned.
	<u>M.A. No. 127 of 2021</u>
	Heard Shri Sushil Kumar Singh and Shri Pradeep Kumar Singh, Ld.
	Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the
	respondents.
	By means of this application applicant has prayed to recall the order
	dated 20.01.2021 in Review Application No. 05 of 2021. The Review
	Application has been dismissed by this order.
	On bare perusal of order shows that Review Application has been
	dismissed not only in default but on merit also. As per rule position, review
	application is heard in Chamber by circulation.
	Review Application being dismissed on merit, Recall Application is
	liable to be dismissed.
	Accordingly, Recall Application is dismissed.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

M.A. No. 716 of 2021 Inre : M.A. No. 1932 of 2018 Inre : O.A. No. (Nil) of 2018

Smt. Savitri Devi (Wife of Ex. ME II Om Prakash)

By Legal Practitioner for the Applicant

Versus

Respondents

Applicant

Union of India & Others

Notes of the	Orders of the Tribunal
Registry	
	<u>17.12.2021</u>
	<u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Cost has been paid.
	Misc. Application No. 1932 of 2018 Inre : O.A. No. (Nil) of 2018 is
	restored to its number.
	M.A. No. 1932 of 2018 Inre : O.A. No. (Nil) of 2018
	Heard Shri Shiv Dayal Singh, Ld. Counsel for the applicant and Shri
	Kaushik Chatterjee, Ld. Counsel for the respondents.
	Being a pensionary matter, delay in filing of Original Application is
	condoned.
	Let Original Application be registered.
	<u>O.A. No. 852 of 2021</u>
	It is submitted by the Ld. Counsel for the respondents that he will file
	Counter Affidavit in the registry today during the course of the day. Copy of
	Counter Affidavit has been received by the applicant's Ld. Counsel.
	Applicant may file Rejoinder Affidavit, if any, within two weeks.
	List on 25.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Court No.1

O.A. No 341 of 2021

Ex Sep Jagdish

Applicant

By Legal Practitioner for the Applicant

Union of India & Others

Versus

Respondents

	Orders of the Tribunal
the Registry	
Registry	
	17.12.2021
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Counter affidavit filed by the respondents is taken on record.
	Heard Shri KK Misra, learned counsel for the applicant and Dr. Gyan
	Singh, learned counsel for the respondents.
	O.A. No. 341 of 2021, Ex Sep Jagdish, vs. Union of India and others is
	dismissed.
	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/-

O.A. No. 307 0f 2020 with M.A. No. 891 of 2021

Smt. Rupa Kumari Thapa By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
Registry	
	<u>17.12.2021</u>
	<u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Ton ble vice Autimal Abriag Naghunath Kalve, Member (A)
	Heard Shri Vijay Kumar Pandey and Shri Ganga Singh, Ld. Counsel
	for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.
	<u>M.A. No. 891 of 2021</u>
	This impleadment application has been filed by the applicant to
	implead the name of Smt Krishna Kumar Thapa as respondent No 5. Reasons
	given in affidavit filed in support of Impleadment application are sufficient and
	impleadment application is allowed.
	Applicant is directed to incorporate amendment during course of the
	day.
	Steps be taken within a week and thereafter notice be issued to
	Respondent No 5 returnable by the date fixed.
	List on 18.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

O.A. No. 122 of 2021

Ex. Rect Hambir Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Shri Shyam Singh, Ld. Counsel for the respondents is present. None is present on behalf of applicant.
	Steps for substitution has not been taken by the applicant.
	Let it be taken within two weeks.
	List on 19.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

O.A. No. 241 of 2021

Lt. Col. Suprita Chandel

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondent, list on 20.12.2021 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

O.A. No. 276 of 2021

Ex. Nk Shankar Ingali

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. As prayed and as a last chance two weeks further time is granted to learned counsel for the respondents to file counter affidavit. List on 10.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

O.A. No. 457 of 2021

Ex. Cfn Mahak Singh Malik

Applicant

By Legal Practitioner for the Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	On the case being taken up for hearing Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. As prayed and as a last chance two weeks further time is granted to learned counsel for the respondents to file counter affidavit. List on 31.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

O.A. No. 645 of 2021 with M.A. No. 727 of 2021

Ex. Sigmn Nag Narayan Singh By Legal Practitioner for the Applicant

Applicant

Union of India & Others

Versus

Respondents

By Legal Practitioner for Respondents Notes of Orders of the Tribunal the Registry 17.12.2021 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A) Heard Shri Birendra Prasad Singh and Shri Ravi Srivastava, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents. This Original Application has been filed with delay of thirty nine years, one month and twelve days. Regarding delay the submission of the Ld. Counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that applicant has explained the delay in affidavit filed in support of application and, in view of this, delay is liable to be condoned. Ld. Counsel for the respondents has vehemently opposed the prayer saying there being inordinate delay in filing the Original Application and explanation for day to day delay offered by the applicant being not sufficient, application should be dismissed. Undisputedly, it is a pensionary matter in which cause of action does not accrue on a fixed date. The matter being a case of continuing wrong, cause of action accrues from month to month. Considering this aspect and explanation of delay offered by the applicant, being sufficient, as seems, delay deserves to be condoned. In the result, delay condonation application is allowed. O.A. No. 645 of 2021 Heard. 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 this case on 03.02.2022 before the Registrar Court for exchange of

pleadings.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

O.A. No. 691 of 2021

Versus

Lt. Col Hardat Singh Keswan

By Legal Practitioner for the Applicant

Union of India & Others

Respondents

Applicant

Notes of	Orders of the Tribunal
the Registry	
Registry	
	<u>17.12.2021</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Ton ble vice Aunital Abriay Naghunath Narve, Member (A)
	Heard Shri Ajai kumar Pandey and Shri Yogesh Mishra, Ld. Counsel
	for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.
	It is submitted by learned counsel for the respondents that counter
	affidavit is under preparation and will be filed in Registry within a week.
	After counter affidavit is file, applicant will have a week time to file
	rejoinder affidavit.
	List on 31.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

O.A. No. 114 of 2018

Versus

Uday Narayan Singh

Applicant

By Legal Practitioner for the Applicant

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> 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. AK Srivastava (Retd), Shri Dharam Raj Singh and Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.
	As prayed by learned counsel for the applicant, list on 31.01.2022 . (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 152 of 2020 with M.A. No. 148 of 2020

Ex. Hav Ram Rahish Singh By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	<u>17.12.2021</u>
	<u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> 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, Ld. Counsel for the applicant and Shri RC Shukla, Ld.
	Counsel for the respondents are present.
	Supplementary counter affidavit filed by the respondents is taken on
	record.
	Learned counsel for the applicant seeks and is granted two weeks
	time to file reply.
	List on 31.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

R.A. No. 3 of 2021 Inre O.A. No. 219 of 2019

Brig. Yatindra Mohan Tewari, SM (Retd) By Legal Practitioner for the Applicant

Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>17.12.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>
	Shri Rajiv Pandey, Ld. Counsel for the respondents is present. Learned counsel for the applicant is reported to be ill. List on 14.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) UKT/-

T.A. No. 55 of 2017

Sgt. AK Das

By Legal Practitioner for the Petitioner

Versus

Petitioner

Respondents

Notes of the	Orders of the Tribunal
Registry	
	<u>17.12.2021</u>
	<u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	non ble vice Admiral Abilay Ragnanati Raive, Member (A)
	On the case being taken up for hearing Ms. Nisha Pandey and Shri
	Shiv Kant Pandey, Ld. Counsel for the petitioner and Shri Rajiv Pandey, Ld.
	Counsel for the respondents are present.
	Written submission filed by learned counsel for the petitioner is taken
	on record.
	Learned counsel for the respondents submits that he has to go
	through written submission and to file reply also, therefore, a week's time be
	granted to file the same which is allowed.
	List on 12.01.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	UKT/-