

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

**O.A. No. 282 of 2021**

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

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">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 <b>dismissed</b>. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 387 of 2021**

**Col. Kush Kumar Sharma (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">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 <b>allowed</b>. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 550 of 2021**

**Ex. Hav. Kailash Chandra Behera**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>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 <b>allowed</b>. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 820 of 2021**

**Hav. Krishna Kant Pandey**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on <b>14.02.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>23.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

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

<b>Ex. ACP Nb. Sub. Mahendra Kumar Singh</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri V.K. Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>The matter pertains to claim of LTC.</p> <p>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.</p> <p>It is submitted by the Ld. Counsel for the applicant that delay in filing Original Application is not intentional.</p> <p>The Ld. Counsel for the respondents ahs vehemently opposed the prayer and has submitted that delay has not been properly explained.</p> <p>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.</p> <p>Accordingly, delay is <b>condoned</b>. Delay Condonation Application stands decided accordingly.</p> <p><b><u>O.A. No. 821 of 2021</u></b></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>14.02.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>23.03.2022</b>.</p> <p style="text-align:right;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

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

**Ex. Sep. Pyare Lal**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align:center">Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align:center">The Original Application has been filed with delay of 13 years, 04 months and 13 days.</p> <p style="text-align:center">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align:center">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p style="text-align:center">Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align:center">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No. 822 of 2021</u></b></p> <p style="text-align:center">It is a fit case for adjudication.</p> <p style="text-align:center">Admit.</p> <p style="text-align:center">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align:center">List the matter before Registrar on <b>14.02.2022</b> for exchange of pleadings.</p> <p style="text-align:center">List the matter before Tribunal on <b>23.03.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align:center"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>



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

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

**Ex. Laskar Sunil Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Amit Jaiswal, Advocate appeared on behalf of the respondents and filed Memo of Appearance which is taken on record.</p> <p>Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This is an application filed under Section 14 of the Armed Forces Tribunal Act, 2007 for grant of service pension.</p> <p>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.</p> <p>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.</p> <p>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 <b>condone</b> the delay.</p> <p>Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No. 824 of 2021</u></b></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>23.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>









**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1**  
**O.A. No. 942 of 2021 with M.A. No. 992 of 2021**

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

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 02 years, 01 month and 18 days.</p> <p>The submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate, but on account of facts stated in affidavit filed in support of application.</p> <p>Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay is not satisfactory.</p> <p>We have gone through affidavit filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p>As such, delay in filing application is condoned. Application stands decided accordingly.</p> <p><b><u>O.A. No. 942 of 2021</u></b></p> <p>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.</p> <p>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.</p>

In reply, the Ld. Counsel for the respondents submitted that since the order of punishment awarded to applicant in Summary Court Martial has not been challenged in present Original Application, the Original Application is not maintainable.

We have gone through the averments made in the Original Application as well as relief claimed and we find that the Original Application cannot be held not maintainable on the pleas taken by the respondents. Accordingly, Original Application is held maintainable.

Points raised in Original Application need consideration, therefore, it is **admitted** for hearing.

Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Thereafter, Rejoinder Affidavit, if any, may be filed within two weeks.

List on **23.03.2022**.

**(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**  
**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**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Nishit Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>In response to defect pointed out by the registry, delay condonation application has been filed by the applicant.</p> <p>Defect stands removed.</p> <p>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.</p> <p>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.</p> <p>An affidavit has also been filed in support of delay condonation application stating therein that delay in filing Original Application is not intentional.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer.</p> <p>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 <b>allowed</b>.</p> <p>Let Original application be registered.</p> <p><b><u>O.A. No. 851 of 2021</u></b></p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>08.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>



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

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

<b>Ex. Sigm. Jayant Bagchi</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>		
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chanda, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>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.</p> <p>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.</p> <p style="text-align: center;"><b>List on 18.01.2022.</b></p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</td><td style="width: 50%; text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</td></tr></table> <p>AKD/-</p>	<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)
<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)		











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

**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

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>17.12.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Cost has been paid.</p> <p style="text-align: center;">Misc. Application No. 1932 of 2018 Inre : O.A. No. (Nil) of 2018 is restored to its number.</p> <p><b><u>M.A. No. 1932 of 2018 Inre : O.A. No. (Nil) of 2018</u></b></p> <p style="text-align: center;">Heard Shri Shiv Dayal Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Being a pensionary matter, delay in filing of Original Application is condoned.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><b><u>O.A. No. 852 of 2021</u></b></p> <p style="text-align: center;">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.</p> <p style="text-align: center;">Applicant may file Rejoinder Affidavit, if any, within two weeks.</p> <p style="text-align: center;">List on <b>25.02.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>



























