

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 2020 with M.A. No. 923 of 2019

Ex. Sgt. Arun Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 923 of 2019</u></p> <p style="text-align: center;">The Original Application has been filed with delay of 02 years, 04 months and 24 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><u>O.A. No. 55 of 2020</u></p> <p style="text-align: center;">Heard.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 65 of 2021

Sep. Deepak Singh Chouhan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Amit Jaiswal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Shiva Nand Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>Admit.</p> <p>Issue notice to respondents.</p> <p>Shri Amit Jaiswal, Advocate has accepted notice on behalf of respondents on Original Application as well as Interim Relief application and he prays for and is allowed four weeks time to file Counter Affidavit/Objection.</p> <p>List on 22.02.2021.</p> <p style="display: flex; justify-content: space-around;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 39 of 2021 Inre : O.A. No. (Nil) of 2021

Smt. Neeraj Devi W/o Late Ex. LD Ranvir Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Yogesh Kesarwani, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 20 years, 03 months and 13 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 69 of 2021</u></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 16.04.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 29.04.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 37 of 2021 Inre : O.A. No. (Nil) of 2021

Hav. Joshi Suryakant Rama Rao
By Legal Practitioner for the Applicant

Applicant

Versus

Col. Sumeet Vashishth, CO TB 2 BEG & Centre
Dighi Camp, Pune-15
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing none appears on behalf of the applicant.</p> <p style="text-align: center;">Applicant has filed this Original Application seeking relief against respondent Col. Sumeet Vashishth, CO TB 2 BEG & Centre Dighi Camp, Pune-15 in respect of punishment awarded by the respondent. Union of India under whom the respondent works has not been made a party in the Original Application which is must. Applicant is, therefore, directed to implead Union of India through Secretary, Ministry of Defence, New Delhi as respondent in the Original Application within two weeks.</p> <p style="text-align: center;">List on 16.02.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 38 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Nk. Amit 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
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Shri R.C. Shukla, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: justify;">Heard Shri Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The Original Application has been filed with delay of 01 year, 03 months and 28 days.</p> <p style="text-align: justify;">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: justify;">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: justify;">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: justify;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: justify;">Let Original Application be registered.</p> <p><u>O.A. No. 70 of 2021</u></p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on 16.04.2021 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 29.04.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Diary No. 131 of 2021 Inre : T.A. No. 53 of 2017

Raheem Khan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri R.K.S. Chauhan, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Mohd. Akkari Ali, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present.</p> <p>Mohd. Askari Ali, Ld. Counsel for the applicant submits that since after T.A. being allowed and P.P.O. being issued, applicant not picking his call and even he has not paid Counsel's Fee, relief prayed in application be granted.</p> <p>We have gone through the contents of application as well as notes of registry and we find that order passed in T.A. No. 53 of 2017 has been complied with as P.P.O. has been issued to concerned authority with its copy to the applicant and in view of that application has rendered infructuous.</p> <p>Accordingly, application is dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 40 of 2021 with M.A. No. 41 of 2021 Inre : O.A. No. 238 of 2019

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. L/Nk Awadhesh Kumar Pandey
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Namit Sharma, Ld. Counsel for the applicants-Union of India & Others and Shri Shailendra Kumar Singh, Ld. Counsel for the respondent are present.</p> <p>This is an application for condonation of delay in filing application for grant of leave to appeal in O.A. No. 238 of 2019. 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.</p> <p>In consequence thereof application for leave to appeal is also rejected.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

R.A. No. 5 of 2021 Inre : O.A. No. 495 of 2018

Ex. Rect. Durgesh Kumar Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Shri Sunil Sharma, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: justify;">On the case being taken up for hearing none appears on behalf of the applicant to represent his cause.</p> <p style="text-align: justify;">Shri Sunil Sharma, Ld. Counsel for the respondents is present.</p> <p style="text-align: justify;">Applicant has filed this Review Application to review the order dated 11.12.2020 passed in Original Application No. 495 of 2018, Ex. Rect. Durgesh Kumar Singh Versus Union of India and Others, by which applicant's claim for grant of disability pension has been dismissed on merit.</p> <p style="text-align: justify;">We have gone through the contents of Review Application and we find that applicant in the garb of Review Application wants to challenge the order passed by us on merit which is not permissible in law as applicant has remedy to file Appeal.</p> <p style="text-align: justify;">Accordingly, Review Application is dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

M.A. No. 454 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Dfr. Ramesh Pal Singh
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Col. R.C. Dixit (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This is the third application in regard to execution of order dated 10.12.2015 of this Tribunal passed in Transferred Application No. 07 of 2015 whereby applicant has prayed that he may be granted promotions till rank of Risaldar and pay arrears with interest @9% from the day he was illegally discharged i.e. 01.08.1995 in regard to consequential benefits allowed by the Tribunal in its order.</p> <p>Copy of order passed in Execution Application No. 90 of 2017 has been filed as Annexure A-9 along with this Original Application and this shows that second Execution Application was dismissed on 10.04.2017 in full satisfaction saying controversy has been finally resolved as payment has been made. However, a liberty has also been given to the applicant to raise his further grievance by way of a fresh Original Application. It is in this perspective the present Original Application has been filed and prayer for granting promotional benefit has been made.</p> <p>We have gone through the order dated 10.12.2015 passed by this Tribunal in Transferred Application No. 7 of 2015 which nowhere states that applicant would be entitled to promotion also. In view of this, we find that present Original Application has been filed without there being any cause of action and, therefore, the same is dismissed being not maintainable.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 1714 of 2018 Inre : O.A. (A) No. (Nil) of 2018

Ex. Cfn. Dharmendra Singh
By Legal Practitioner for the Appellant

Appellant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Reply to the objection filed by the appellant is taken on record.</p> <p style="text-align: center;">Heard Shri Gaurav Gupta, Ld. Counsel for the appellant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">There is a delay of 16 years, 05 months and 28 days in filing Original Application (Appeal) through which dismissal order dated 03.10.2001 has been put in challenge.</p> <p style="text-align: center;">Ld. Counsel for the appellant has submitted that delay in filing Original Application (Appeal) is not deliberate, but on account poverty and mental illness of the appellant and, therefore, the same should be condoned.</p> <p style="text-align: center;">Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that there is a long delay of more than 16 years and the same has not been properly and satisfactorily explained as the appellant has not assigned any cogent and convincing reason for not approaching the Tribunal earlier.</p> <p style="text-align: center;">Having heard submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that inordinate delay of more than 16 years has not been properly and satisfactorily explained.</p> <p style="text-align: center;">Needless to say, in a matter where Original Application (Appeal) is not filed within time appellant is required to explain delay on day to day basis, which appellant has miserably failed and, therefore, he is not entitled to benefit of his so called poverty and mental illness.</p> <p style="text-align: center;">In view of above, delay is not liable to be condoned and application made in this regard is, therefore, rejected.</p> <p style="text-align: center;">Original Application being time barred is also rejected.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 658 of 2019 Inre : M.A. No. 1180 of 2018

Gnr. Basant Pawar Vaman
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Reply to the objection and Annexure 1 of Reply filed by the applicant are taken on record.</p> <p>Heard Shri Gaurav Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>There is a delay of 04 years and 02 months in filing Original Application through which dismissal order dated 13.09.2013 has been put in challenge.</p> <p>Ld. Counsel for the applicant has submitted that delay in filing Original Application is not deliberate, but on account poverty of the applicant and, therefore, the same should be condoned.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that there is a long delay of more than 04 years and the same has not been properly and satisfactorily explained as the applicant has not assigned any cogent and convincing reason for not approaching the Tribunal earlier.</p> <p>Having heard submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that inordinate delay of more than 04 years has not been properly and satisfactorily explained.</p> <p>Needless to say, in a matter where Original Application is not filed within time applicant is required to explain delay on day to day basis, which applicant has miserably failed and, therefore, he is not entitled to benefit of his so called poverty.</p> <p>In view of above, delay is not liable to be condoned and application made in this regard is, therefore, rejected.</p> <p>Original Application being time barred is also rejected.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p>

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

O.A. No. 334 of 2019

Ex. Hav. (Hony. Nb. Sub.) Ramapati Upadhya By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Copy of letter No.1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi filed by the respondents is taken on record.</p> <p>Heard Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Ld. 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 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection.</p> <p>With the consent of Ld. 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.</p> <p>Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 593 of 2018

Ex. Nk. Sanjay Joshi By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List on 03.05.2021 for final hearing.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 10px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 81 of 2020 with M.A. No. 901 of 2019

Ex. Nk. Shyam Pal Singh Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the respondents, two weeks and no more time, is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on 04.02.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex-A/20 of 2019 Inre O.A. No. 453 of 2017

Ex Sep Bhag Bahadur Tamang
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Lalit Kumar, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>On the last date respondents were directed to make compliance of the order within a period of four weeks with condition that in case of non compliance, the matter would be reported to Chief of the Army staff. Despite the same the order has not been complied with rather again a prayer is made for the adjournment on the ground that matter is in the process of compliance at Army Headquarters.</p> <p>In view of the above, four weeks further time is granted, as prayed on payment of Rs 25,000/- as cost which shall be paid to the applicant.</p> <p>List on 24.02.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

Form No. 4
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 1916 of 2015 Inre O.A. No. (Nil) of 2015

Ex Sigm Bal Krishan Tripathi
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents are present.</p> <p>As prayed, a week time is given to learned counsel for the applicant to file supplementary affidavit.</p> <p>List on 08.02.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

Ex-A/7 of 2020 Inre T.A. No. 1042 of 2010

Ex Rect Shailendra Kumar Yadav
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R Chandra, learned counsel for the petitioner and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p>During course of hearing, learned counsel for the applicant submitted that order under execution has been fully complied with.</p> <p>Accordingly, execution application is dismissed in full and final satisfaction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 12 of 2020 with M.A. No. 947 of 2019

Ex Sub Ramesh Kumar Rai
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R Chandra, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents are present.</p> <p>Learned counsel for the respondents submitted that three weeks further time be granted to file counter affidavit.</p> <p>Respondents are taking time w.e.f. 13.01.2020 to file counter affidavit, but the same has not been filed as yet.</p> <p>Considering this, they are allowed three weeks and no more time to file counter affidavit.</p> <p>List on 24.02.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No 408 of 2018

Col Ravinder Singh, SM
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Anand Kumar Yadav and Shri SG Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Heard.</p> <p>Order is reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

M.A. No. 1119 of 2018 Inre O.A.(Nil) of 2018

Lt Col (TS) (Retd) Daljeet Singh & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col RA Pandey (Retd), learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>1. The present application has been filed, jointly by four officers with delay of 01 year, 08 months and 13 days, under section 14 of the Armed Forces Tribunal Act, 2007 for following reliefs:-</p> <p style="padding-left: 40px;"><i>(i) Issue an appropriate order of a suitable nature directing the respondents to modify the impugned Circular No 555 issued by PCDA (P)/respondent No 4 dated 04.02.2016 and to extend the benefit of time bound promotion to the rank of Col (TS) to the applicants who had superannuated in the rank of Lt Col (TS), after completing more than 26 years of service (from date of seniority), and to issue Corr PPO showing their rank of Col (TS) and to revise their pay, pension and gratuity from the respective dates when they completed 26 years of service, i.e. 28.06.1992, 28.06.1993, 28.06.1993 and 06.05.1995, and to pay the arrears of pay, pension and gratuity as well as pay and enhanced regular monthly pension accordingly, within a period to be specified by this Hon'ble Tribunal.</i></p> <p style="padding-left: 40px;"><i>(ii) Issue any other suitable order or direction which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.</i></p> <p style="padding-left: 40px;"><i>(iii) Costs of the application may be awarded in favour of the applicants.</i></p> <p>2. Brief facts of the case are that the applicants (who are permanent residents of Delhi, Haryana and Punjab) have filed the application for issue of an order to respondents to modify Circular No 555 dated 04.02.2016 issued by PCDA (P), Prayagraj.</p> <p>3. Before proceeding further, a preliminary objection has been raised by learned counsel for the respondents stating that the present application is not maintainable as the applicants are retired army officers and are not residing in any of the area which is within territorial jurisdiction of this Tribunal. He</p>

pleaded that the application is not maintainable since it is not within its jurisdiction and hence deserves to be dismissed.

4. On the other hand, learned counsel for the applicants pleaded that the present application is maintainable under Rule 6 (1) (ii) of Armed Forces Tribunals (Procedure) Rules, 2008.

5. Heard learned counsel for both sides and perused the material placed on record.

6. We have gone through the records and have come to a conclusion that all the four applicants are resident of Delhi, Haryana and Punjab and not within the jurisdiction of this Tribunal. We have also carefully scrutinized Rule 6 of Armed Forces Tribunal (Procedure), Rules, 2008 and which reads as under:-

“6. Place of filing application. —

(1) An application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction—

(i) the applicant is posted for the time being, or was last posted or attached; or

(ii) where the cause of action, wholly or in part, has arisen:

Provided that with the leave of the Chairperson the application may be filed with the Registrar of the Principal Bench and subject to the orders under section 14 or section 15 of the Act, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) Notwithstanding anything contained in sub-rule (1), a person who has ceased to be in service by reason of his retirement, dismissal, discharge, cashiering, release, removal, resignation or termination of service may, at his option, file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application.”

7. Though applicants under the provisions of rule 6, have a choice to file the application. Such as, where cause of action arisen, or he was last posted or he was posted at the place at the time of filing the application or at a place where he is residing after retirement. Admittedly, none of the above, conditions are in existence in this case to bring the case within the territorial jurisdiction of this Tribunal.

8. Thus, keeping in view that applicants are not residing in jurisdiction of this Tribunal, this application is not maintainable in view of above rule position for the reason that (i) applicants are not residents of territorial jurisdiction of this Tribunal and (ii) cause of action, wholly or partly has also not arisen within

the jurisdiction of this Tribunal.

9. For the reasons assigned, we are of the opinion that this Tribunal has no territorial jurisdiction to entertain this appeal. Further it suffers from delay and laches. In the result, the appeal is **dismissed** with liberty to file it at the appropriate forum.

10. No order as to costs.

(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
Court No.1 (E. Court)

M.A. No. 895 of 2019 Inre O.A. No. (Nil) of 2019

Ex Sep Shivbir Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p>There is delay of 18 years, 06 months and 22 days in filing Original Application (Appeal) against the order passed in Summary Court Martial (SCM) by which applicant has been dismissed from service.</p> <p>Learned counsel for the applicant has submitted that applicant had filed statutory appeal against the order of dismissal and when the said appeal was not decided, he filed a Writ Petition in the Hon'ble High Court of Judicature at Allahabad which after constitution of this Tribunal was transferred to this Tribunal and numbered as T.A. No. 708 of 2010.</p> <p>He has further submitted that this T.A. was allowed on the same date and respondents were directed to decide statutory appeal preferred by the applicant and then it was intimated by the respondents that statutory appeal has been disposed off on 17.10.2000. He has further submitted that copy of order deciding statutory appeal was never communicated to the applicant and therefore, it is submitted that delay in filing Original Application is not deliberate but for the reasons stated above.</p> <p>Learned counsel for the respondents has vehemently opposed the prayer and submitted that there is a long delay of more than 18 years to which applicant has failed to explain on day to day basis.</p> <p>Having heard submission of both sides and considering the facts and circumstances of the case, we are of the view that cause shown is sufficient.</p> <p>Accordingly, we condone the delay.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 72 of 2021</u></p> <p>Heard.</p> <p>Admit.</p> <p>Issue notice to the respondents.</p> <p>Shri R.C. Shukla has accepted notice on behalf of the respondents. He 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 22.04.2021 before the Registrar for exchange of pleadings.</p> <p>List before the Tribunal on 30.04.2021.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

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

EX.A. No. 106 of 2019 Inre O.A. No. 275 of 2017

Smt. Seeta Devi (W/o Ex Cfn (Late) Ram Bahadur Singh)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, learned counsel for respondent Nos. 1 to 5 and Shri Vinay Pandey, learned counsel for respondent No. 6 & 7 are present.</p> <p>Shri Sunil Sharma, learned counsel for the respondent Nos. 1 to 5 submitted that he has received copy of affidavit filed by respondent No. 6 & 7 and needs some time to seek instructions from EME Records, Disability Cell, Secunderabad regarding issue raised in the letter which is allowed.</p> <p>Let instructions be sought within three weeks and the matter be posted for hearing on 04.03.2021.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

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

EX.A. No. 1 of 2018 Inre T.A. No. 1290 of 2010

Arvind Kumar Katiyar Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Sudhir Kumar Singh, Ld. Counsel for the petitioner and Shri Kaushik Chatterji, Ld. Counsel for the respondents are present.</p> <p>Shri Sudhir Kumar Singh, learned counsel for the petitioner submitted that being out from service since 2002 petitioner is living in penury. He further submitted that T.A. filed by the petitioner was allowed on 14.08.2017 for treating petitioner in service for pensionary purposes with direction to respondents to make compliance of the order within a period of four months. He further submitted that respondents instead making compliance preferred a SLP in the Hon'ble Apex Court which has been admitted for hearing and despite counter affidavit being filed in appeal on 18.10.2019 and three weeks time granted to respondents to file rejoinder affidavit, they are not filing rejoinder affidavit rather seeking adjournment on the ground that order is subject to decision of the Apex Court. He also submitted that respondents have even not deposited the cost imposed on different dates.</p> <p>In reply, respondents learned counsel submitted that in view of the fact that Civil Appeal against the order has been admitted and notice has been issued to the petitioner, interest of justice demands that any order in execution proceedings be passed after decision in appeal.</p> <p>We have considered the aforesaid submissions and are of the view that when there is no stay in appeal we cannot keep order in abeyance indefinitely. We, therefore, direct respondents to comply the order within four weeks failing which they shall have to pay Rs. 50,000/- as cost to the petitioner. We further direct that copy of this order be sent to Chief of the Air Staff for his information and to take necessary action into the matter.</p> <p>List on 18.03.2021.</p> <p>Let a copy of this order be given to counsel of the respondents to ensure compliance.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

EX.A. No. 66 of 2019 Inre O.A. No. 316 of 2018

Shri Kant Mishra

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant submitted that order under execution has been complied with.</p> <p>Accordingly, Execution Application is dismissed in full and final satisfaction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

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

EX.A. No. 6 of 2019 Inre O.A. No. 290 of 2016

Alongwith

M.A. No. 170 of 2020 Inre O.A. No. (Nil) of 2020

Ex Sep Harendra Vikram Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p>20.01.2021 <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Objection to the affidavit of compliance filed by the applicant is taken on record.</p> <p>Shri Yashpal Singh, learned counsel for the applicant raised certain points during hearing as below :-</p> <ol style="list-style-type: none">(1) Despite there being directions in order dated 18.01.2018 to get applicant reinstated in service forthwith, he was reinstated on 25.07.2018.(2) After reinstatement on 25.07.2018 till the date of discharge, i.e. 30.06.2019 applicant was paid salary for March, April and May 2019 only.(3) No Descriptive Roll of payments was given to applicant. <p>Learned counsel for the applicant submitted that aforesaid points could not be raised in proceedings in Execution Application No. 48 of 2018 as this application was dismissed on 08.06.2018 assuming order was complied with reinstatement.</p> <p>On other hand Dr. Shailendra Sharma Atal, learned counsel for the respondents submitted that this round of litigation is abuse of process of the Court. He further submitted that applicant could have brought the aforesaid facts to the notice of Tribunal when application was disposed off.</p> <p>Having heard the aforesaid submissions we feel proper that learned counsel for the respondents should seek instructions in respect of the aforesaid points from the appropriate authorities within two weeks.</p> <p>List on 26.02.2021.</p> <p>A copy of this order be given to learned counsel for the respondents within 24 hours, free of cost.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

EX.A. No. 31 of 2019 Inre O.A. No. 236 of 2013

Ex Rect Bashisth Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents seeks and is allowed further three weeks time to file compliance report.</p> <p style="text-align: center;">List this case on 26.02.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 23 of 2020 with M.A. No. 259 of 2019

Col Neeraj Kumar (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 259 of 2019</u></p> <p>The original application has been filed with delay of 9 months & 26 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation.</p> <p>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.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>The O.A. has already been admitted and registered vide order dated 13.01.2020.</p> <p style="text-align: center;"><u>O.A. No. 23 of 2020</u></p> <p>Heard.</p> <p>Original Application is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p style="text-align: left;">SB</p>

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

O.A. No. 398 of 2018

Lt Col C.N. Tembe (Retd) & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Arun Kumar & Col R.A. Pandey (Retd), Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List this case on 16.03.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 249 of 2018

Shailendra Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, list on 21.01.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 122 of 2020

Ex Nk Birendra Tewari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant submitted that applicant has died. Steps for substitution of legal heirs be taken. List on 06.05.2021 for orders.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 309 of 2017

Col Vikram Chauhan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Virat Anand Singh, Shri Indra Sen Singh and Shri Ravi Prakash Tripathi, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: center;">List this case on 17.03.2021 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 596 of 2017

Pushkar Bharti
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Pleadings are complete and the case is ripe for hearing.</p> <p style="text-align: justify;">List this case on 18.03.2021 for hearing.</p> <p style="text-align: justify;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 93 of 2018

Nagesh Bahadur
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri V.K. Pandey, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List this case on 19.03.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

T.A. No. 5 of 2019

<p>Ex Gdsm Rohistaswa Verma By Legal Practitioner for the Petitioner</p>	Versus	<p>Petitioner</p>
<p>Union of India & Others By Legal Practitioner for Respondents</p>		<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List this case on 22.03.2021 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p>

SB

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

O.A. No. 470 of 2012

Naseebul Hasan Syed
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>20.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col A.K. Srivastava (Retd), Shri Dharam Raj Singh & Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>List on 03.02.2021 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>