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

O.A. No. 496 of 2019

HFO Brijanand Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 44 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Sub. Nathuni Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri S.N. Pandey, Advocate filed power today in Court on behalf of the respondents which is taken on record. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri S.N. Pandey, Ld. Counsel for the respondents. The Original Application has been filed with delay of 04 months. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 78 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 **20.04.2021** for exchange of pleadings. List the matter before Tribunal on **29.04.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 48 of 2021 Inre : O.A. No. 601 of 2018

Ex. Nk. Dhruvajit 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Anju Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. **M.A. No. 48 of 2021** Submission of Ld. Counsel for the applicant is that in the order dated 08.01.2021 in para 9 at page 6 last line, **date of release** has been typed as 13.11.2017 whereas the correct date of release is **13.09.2017**. For the reason stated above, the correction application is **allowed**. Accordingly, in para 9 at page 6 last line date of release **13.09.2017** in place of 13.11.2017 has been corrected. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 46 of 2021 with M.A. No. 47 of 2021
Inre : R.A. No. 56 of 2019 Inre :O.A. No. 23 of 2019

Ex. Sub. Umesh Chandra 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of the respondents which is taken on record. Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. **M.A. No. 46 of 2021** For the reason stated in affidavit filed in support of delay condonation application, delay in filing recall application is **condoned**. **M.A. No. 47 of 2021** For the reason stated in affidavit filed in support of Recall Application, Recall Application is allowed and order dated 08.12.2020 is **recalled**. Accordingly, R.A. No. 56 of 2019 is restored to its number. **R.A. No. 56 of 2019** List on **27.01.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Rect. Surender Prasad 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Anju Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submitted that several letters have already been written to the applicant to appear before the Re-Survey Medical Board for his medical assessment, but he is not responding. In the circumstances, respondents are directed to hold Re-Survey Medical Board at Military Hospital, Prayagraj (Allahabad) on **15.02.2021.** Applicant is directed to remain present before Re-Survey Medical Board at Military Hospital, Prayagraj (Allahabad) at 10.00 AM sharp. Respondents are directed to file affidavit of compliance annexing therewith copy of Re-Survey Medical Board report within two months from the date Re-Survey Medical Board is held. List on **20.04.2021**. Let a copy of this order be provided to the Counsel of both sides as well as to the applicant within two day. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 5 of 2020 Inre : O.A. No. 118 of 2017

Smt. Rajwati Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. Shri Rajeev Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Allahabad is also present and he submits that till date only Ex-Gratia payment has been made to the applicant. He further submits that four weeks further time be granted to ensure complete compliance which is allowed. List on **01.03.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 38 of 2019 Inre : T.A. No. 513 of 2010

Ex. Swr. Satendra 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col. B.P. Singh (Retd.), Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents and Shri Rajeev Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Allahabad are present. Shri Rajeev Tiwari, Assistant Accounts Officer, Principal Controller of Defence Accounts (Pension), Allahabad seeks and is allowed four weeks time to make complete compliance of the order. List on **25.02.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 191 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Rect. Ram Babu 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. There is a delay of 39 years, 04 months and 12 days in filing Original Application through which discharge order dated 31.12.1980 has been put in challenge. Ld. Counsel for the applicant has submitted that delay in filing Original Application is not deliberate, but on account illness of the applicant and, therefore, the same should be condoned. Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that there is a long delay of more than 39 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. 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 39 years has not been properly and satisfactorily explained. 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 illness. The applicant was enrolled in Indian Army on 23.09.1990 and was discharged from service on 31.12.1980 after rendering 100 days of service in consequence of unwilling to became an efficient soldier under Rule 13(3) Item (iv) of Army Rules, 1954. In view of above, delay is not liable to be condoned and application made in this regard is, therefore, **rejected.** Original Application being time barred is also **rejected.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 455 of 2020 with M.A. No. 36 of 2021 Inre : O.A. No. (Nil) of 2020

Ex. Rfn. Yashveer 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Nand Kishore, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. Instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by which applicant has been dismissed from service being deserter. There is a delay of 12 years, 02 months and 18 days in filing Original Application. Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate. His further submission is that after order of dismissal being passed against applicant his wife preferred representation to Chief of the Army Staff by registered post on 19.10.2003, but it was not responded. Thereafter, applicant himself wrote two letters on 13.08.2006 and 10.08.2008 respectively to the respondents for redressal of his grievance, but these letters also were also not responded. Thereafter, applicant could not approach the Tribunal immediately on account of poverty. Thus, his submission is that delay is not deliberate, but for the reasons stated above. Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 12 years has not been properly and satisfactorily explained. Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay in filing Original Application is not sufficient. It is settled in law that if any time limit is given for filing application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed to do in the present case. In the result, we find that delay is not condonable. Accordingly, delay condonation application is **rejected.** Original Application being time barred is also **rejected.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 197 of 2017 Inre : O.A. No. 157 of 2017

Jevanand 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the applicant submitted that order under execution has been complied with. Accordingly, Execution Application is **dismissed** in full and final satisfaction. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Court No.1 (E. Court)

M.A. No. 13 of 2020 Inre : O.A. No. (Nil) of 2020

Ex. Rfn. Dhirendra Narayan Giri Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. By means of this Original Application applicant has challenged the order of the year 2002 by means of which he has been dismissed. There is a delay of 17 years, 01 month and 29 days in filing of Original Application. Submission of Ld. Counsel for the applicant is that against the order impugned applicant had filed a Writ Petition against respondents in which he had wrongly challenged the Movement Order dated 09.06.2002 in place of dismissal, with the result when after the constitution of the Armed Forces Tribunal the said Writ Petition was transferred and re-numbered in this Tribunal it was dismissed on 26.11.2018. Thus, his submission is that delay in filing application is not deliberate, but due to aforesaid reason. Ld. Counsel for the respondents has vehemently opposed the aforesaid submission and has submitted that applicant has not given any satisfactory explanation for the delay. He has further submitted that Writ Petition filed in the Hon'ble Allahabad High Court was not with respect to dismissal of the applicant, but with respect to a Movement Order having no concern with the matter in this Original Application. Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we are of the view that Writ Petition filed in Hon'ble Allahabad High Court was not in respect of dismissal order, but it was in respect of a Movement Order and, therefore, applicant cannot allow to take benefit of the same for seeking condonation of delay. It is settled in law that if any time limit is given for filing any application, the same should be filed within that limitation and in the event of being not done, the delay should be explained on day to day basis which applicant has failed as he has not given any cogent reason for not filing Original Application for such a long time. In the circumstances, we do not find any force in submission of Ld. Counsel for the applicant and therefore the delay condonation application deserves rejection. Accordingly, delay condonation application is **rejected.** Original Application being time barred is also **rejected.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 39 of 2019 with M.A. No. 476 of 2020 Inre : O.A. No. 225 of 2018

Ex. Dfr. Rakesh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. **M.A. No. 476 of 2020** For the reasons stated in affidavit filed in support of impleadment application, impleadment application is allowed. Let amendment be carried out within three days and thereafter, issue notice to the newly impleaded respondents returnable within four weeks. List on **19.03.2021** . **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 474 of 2018 Inre : O.A. No. (Nil) of 2018

Daya Shankar Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. **M.A. No. 1825 of 2018** Proposed amendments are formal in nature as they relate to correct address of the applicant and name of respondent No. 3. Application is, therefore, allowed. Let amendments be incorporated within three days. **M.A. No. 474 of 2018** The Original Application has been filed with delay of 06 years, 02 months and 14 days. The submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that explanation offered is not satisfactory. Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that cause shown is sufficient. Accordingly, delay condonation application is **allowed.** Let Original Application be registered. **O.A. No. 77 of 2021** Heard Admit. Pleadings have already been exchanged. List on **16.04.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Sep. Neeraj Bhatt Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents has prayed adjournment on the ground that Government sanction in the matter is still awaited. Considering the facts and circumstances of the case, four weeks further time is granted on payment of Rs.10,000/- as cost payable to applicant to ensure compliance of the order. List on **16.03.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Diary No. 2718 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. Rajendra 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present. Ld. Counsel for the applicant submits that he has annexed the impugned order at page 4, Annexure – A-1 of the Original Application. In view of above, objection raised by the registry is turned down. The Original Application has been filed with delay of 28 years, 08 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. Let Original Application be registered. **O.A. No. 75 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 **16.04.2021** for exchange of pleadings. List the matter before Tribunal on **05.05.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Diary No. 2719 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Nk. (TS) Subhash Chand 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that he has annexed the impugned order at page 5, Annexure – 1 of the Original Application. In view of above, objection raised by the registry is turned down. The Original Application has been filed with delay of 17 years, 06 months and 28 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 74 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 **16.04.2021** for exchange of pleadings. List the matter before Tribunal on **05.05.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Diary No. 2720 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Nk. Sushil Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that he has annexed the impugned order at page 4, Annexure – 1 of the Original Application. In view of above, objection raised by the registry is turned down. The Original Application has been filed with delay of 04 years, 06 months and 02 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 76 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 **16.04.2021** for exchange of pleadings. List the matter before Tribunal on **05.05.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Diary No. 2721 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Hav. Harbans Singh (DSC) 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R.N. Tripathi, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the applicant submits that he has annexed the impugned order after the pleadings of Original Application. In view of above, objection raised by the registry is turned down. The Original Application has been filed with delay of 13 years, 04 months and 15 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 73 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 **16.04.2021** for exchange of pleadings. List the matter before Tribunal on **05.05.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Diary No. 2722 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sep. Mahesh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the applicant prays for and is allowed a week time to remove the defect pointed out by the registry. List on **11.02.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 210 of 2019

Vijay 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Om Prakash Kushwaha, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present. 1. The instant Original Application has been filed on behalf of applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:- "(a) Issue order or direction to set aside the part of impuned order dated 05.06.2014 passed by respondent No. 2 in respect of grant of Disability Pension only for 2 years. (b) Issue order or direction to set aside impuned order dated 21.11.2014 passed by respondent No. 3 in which disability was accepted as NIL for life and Nil disability for interim period from 27.12.11 to 10.10.2014. (c) Grant of consequential relief arising out of applicant discharge from service on 31.01.1997 on medical ground through Release Medical Board (RMB) assessing disability of the applicant 30% without granting disability pension from date of discharge to whole life. 2. Briefly stated facts of the case are that applicant was enrolled in the of Indian army on 29.01.1981 and was discharge from service on 31.01.1997 (AN) in low medical category under Rule 13 (3) Item III (iv) of the Army Rules, 1954. Read in conjunction with Sub Clause 2 (A) being placed in medical category lower than 'AYE' and not upto the prescribed military physical standard to continue in service. At the time of Release Medical Board discharge from service, the Release Medical Board (RMB) held at 167 Military Hospital, C/o 56 APO on 18.12.1996 assessed his disability 'APPENDICULAR ABSCESS(OPTD) (Invaliding Disease) @ 30% (permanent) and opined it to be neither attributable to nor aggravated (NANA) by military service. The applicant

	approached the respondents for grant of disability pension and was granted 30 % disability pension for 02 years. but the same was rejected vide letter dated 27.1o.1972. The applicant preferred First Appeal and Second Appeal which too were rejected vide letters dated 22.12.2017 and 14.08.2018 respectively. It is in this perspective that the applicant has preferred the present Original Application. 3. Ld. Counsel for the applicant pleaded that the applicant was enrolled in the Army in medically and physically fit condition. It was further pleaded that an individual is to be presumed in sound physical and mental condition upon entering service if there is no note or record to the contrary at the time of entry. In the event of his subsequently being invalided out from service on medical grounds, any deterioration in his health is to be presumed due to service conditions. He pleaded that the applicant was under stress and strains due to rigors of service conditions which may have led to occurrence of the disability. He further stressed that the Medical Board has assessed percentage of disability @ 10-15%, therefore, the disability should be accepted as aggravated by military service in terms of judgment in the case of *Sukhwinder Singh vs Union of India & Ors*, Civil Appeal No 5605 of 2010 decided on 25.06.2014. Learned counsel for the applicant pleaded for disability pension to be granted to the applicant. 4. On the other hand, learned counsel for the respondents submitted that since the IMB has opined the disability as NANA, applicant is not entitled to disability pension. He further accentuated that the applicant is not entitled to disability pension in terms of Rule 173 of Pensions Regulations for the Army, 1961 (Part-I), which stipulates that, “unless otherwise specifically provided, a disability pension may be granted to an individual who is invalided out of service on account of a disability which is attributable to or aggravated by military service and is assessed at 20% or above, but in the instant case the disability of applicant has been assessed @ 10-15% (permanent) and NANA, therefore, applicant is not entitled to disability pension. Learned counsel for the respondents further submitted that claim for disability pension has rightly been rejected by the competent authority in view of para 198 of Pension Regulations for the Army, 1961 (Part-I), which categorically states that the minimum period of qualifying service actually rendered and required for grant of invalid pension

is ten years, but in the instant case the applicant has put in only 03 years and 04 months of service. He pleaded that in the facts and circumstances of the case, as stated above, Original Application deserves to be dismissed.

5. We have heard learned counsel for both sides and perused the material placed on record.

6. On careful perusal of the medical documents, it has been observed that applicant was enrolled on 21.01.1969 and he was found to be suffering with the aforesaid disease during October 1971, i.e. within 03 years and 04 months of joining the service. He was administered treatment at Military Hospital, Ranikhet. On admission in the Hospital the case history of the applicant was endorsed by Lt Col KB Roy, AMC, Medical Specialist as under:-

> *"This 22 years old crafts man with about 3 years of service gives the history of attacks of "FITS" from childhood. After enrolment in service also, he had attacks of fits at an interval of 4-5 months. Since Oct this year he had five such attacks. One attack of fit has also been observed in the hospital. In the description of fits, he does not have any aura. There is tonic spam of the body followed by clonic convulsion lasting for about 2-3 minutes. He looks dazed after an episode but there is no post seizure automatism or coma.*
>
> *He has no neurological deficit including X-Ray skull and fandoscopy are within normal limits. Considering the history of fits since childhood and the description of fits which have been observed, I am of the opinion that he is probably a case of epilepsy of the grand maltype.*
>
> *He is unlikely to prove to be an effective soldier.*
>
> *Recommended medical category EEE."*

7. In the above scenario, we are of the view that since, as per endorsement made in medical case sheet as well as in IMB, applicant was suffering from aforesaid disease from childhood and the disease manifested later, therefore, by no stretch of imagination, it can be concluded that it has been caused by stress and strains of military service. Additionally, it is well known that mental disorders can escape detection at the time of enrolment, hence benefit of doubt cannot be given to applicant merely on the ground that the disease could not be detected at the time of enrolment. Since there is no causal connection between the disease and military service, we are in agreement with the opinion of the IMB that the disease is neither attributable to

nor aggravated by military service. In view of the foregoing and the fact that the disease was existing from his childhood and manifested during later years of military service, we are in agreement with the opinion of IMB that the disease is neither attributable to nor aggravated by military service.

8. Apart from, in similar factual background this Tribunal had dismissed the claim for disability pension in T.A. No. 1462/2010 vide order dated 23.05.2011, wherein the applicant was enrolled on 21.01.2000 and was discharged on 27.04.2000, as he was suffering from Schizophrenia. Said disability was assessed @ 80% for two years and it was opined by the Medical Board to be neither attributable to nor aggravated by military service. The said order has been upheld by the Hon'ble Apex Court in Civil Appeal arising out of Dy. No. 30684/2017, *Bhartendu Kumar Dwivedi Versus Union of India and Others*, decided on 20.11.2017, by dismissing Civil Appeal on delay as well as on merits.

9. Additionally, in Civil Appeal No 7672 of 2019 in *Ex Cfn Narsingh Yadav vs Union of India & Ors, decided on 03.10.2019,* it has again been held by the Hon'ble Supreme Court that mental disorders cannot be detected at the time of recruitment and their subsequent manifestation (in this case after about three years of service) does not entitle a person for disability pension unless there are very valid reasons and strong medical evidence to dispute the opinion of Medical Board. Relevant part of the aforesaid judgment as given in para 20 is as below :-

> *"20. In the present case, clause 14 (d), as amended in the year 1996 and reproduced above, would be applicable as entitlement to disability pension shall not be considered unless it is clearly established that the cause of such disease was adversely affected due to factors related to conditions of military service. Though, the provision of grant of disability pension is a beneficial provision but, mental disorder at the time of recruitment cannot normally be detected when a person behaves normally. Since there is a possibility of non-detection of mental disorder, therefore, it cannot be said that 'Paranoid Schizophrenia (F 20.0)' is presumed to be attributed to or aggravated by military service.*
>
> *21. Though, the opinion of the Medical Board is subject to judicial review but the courts are not possessed of expertise to dispute such report unless there is strong medical evidence on record to dispute the opinion of the Medical Board which may warrant the constitution of the Review Medical Board. The Invaliding Medical Board has categorically held that the appellant is not fit for further*

service and there is no material on record to doubt the correctness of the Report of the Invaliding Medical Board."

10. In view of the above, the Original Application is devoid of merit and deserves to be dismissed. It is accordingly dismissed.

11. No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
M.A. No. 1551 of 2018 Inre O.A. No. (Nil) of 2018

Ex Sgt Pius Kumar Chaubey 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**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Namit Sharma, Ld. Counsel for the respondents is present. List on **29.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** ukt/-

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

Ex-A. No. 182 of 2018 Inre O.A. No. 304 of 2016

Ex Hav Keshu Prasad Dubey 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**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Anand Yadav, Advocate, holding brief SG Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present. Affidavit of compliance filed by learned counsel for the respondents is taken on record. Learned counsel for the respondents submits that order has been complied with. He further submits that in compliance of order under execution Rs 2,33,547/- as arrear has been credited in applicant's account in July 2020. Learned counsel for the applicant present in person submits that a week's time be given to check payment which is allowed. List on **12.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** ukt/-

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

O.A. No. 213 of 2020 with M.A. No. 2337 of 2017

Capt Ram Deo Singh (Retd) 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**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri SG Singh, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents are present. In this case respondents have not filed counter affidavit since 19.10.2020 and today learned counsel for the respondents submits that counter affidavit could not be filed for want of instructions and he shout time which is allowed. Let counter affidavit be filed within four weeks positively failing which opportunity shall stand closed. List on **14.04.2021** for final hearing. Learned counsel for the applicant is directed to file copy of O.A. he has filed in Regional Bench, Chandigarh. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** ukt/-

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

O.A. No. 348 of 2019

Ex Cadet Rajeev RU 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**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri SSL Srivastava, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present. Rejoinder affidavit filed by learned counsel for the applicant is taken on record. Pleadings have been exchanged and the case is ripe for hearing. List on **14.04.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** ukt/-

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

Ex-A. No 2 of 2020 Inre O.A. No. 269 of 2015

Ex Nb Sub Radhey Shyam Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents are present. It is submitted by learned counsel for the applicant that order under execution has not yet been complied with. In reply, learned counsel for the respondents submits that PPO has been issued in the matter and as regards payment of back wages concerned, it shall be paid very soon after receiving Government sanction in this regard. Learned counsel for the respondents prays for and is granted four weeks time to comply with the order under execution. List on **03.03.2021** for orders. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** ukt/-

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

Ex-A. No 81 of 2019 with M.A. No. 862 of 2019 Inre O.A. No. 236 of 2018

Ex Hav (Hony Nb Sub) Phool Chand 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**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the petitioner and Shri Ashish Kumar Singh, learned counsel for the respondents are present. Learned counsel for the applicant submits that since PPO has been forwarded to the concerned bank, there is no need to move application for impleadment of the bank. He further submits that he is going to file objection to affidavit of compliance by today itself. Let objection be filed during the course of the day. List on **12.02.2021** for orders. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** ukt/-

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

Ex-A. No 4 of 2020 with M.A. No. 269 of 2020 Inre O.A. No. 435 of 2019

Smt Lajjawati Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the petitioner and Dr Shailendra Sharma Atal, learned counsel for the respondents are present. Affidavit of compliance has already been filed. Shri Yashpal Singh, learned counsel for the applicant submitted that since he has not received instructions regarding compliance, he has to say nothing in the matter. We have gone through affidavit of compliance and we find that order has been complied with. In the result, execution application is **dismissed** in full and final satisfaction. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** ukt/-

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

O.A. No. 469 of 2019

Ex Rect Chandrabhan 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present. List on **14.04.2021** for hearing. In the meantime, learned counsel for the applicant may file rejoinder affidavit. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** ukt/-

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

Ex-A. No 26 of 2018 with M.A. No. 31 of 2021 Inre T.A. No. 178 of 2009

Sriram Pandey Petitioner
By Legal Practitioner for the Petitioner

Versus

Defence Secy, Min of Defence, GOI Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the petitioner and Shri Amit Jaiswal, learned counsel for the respondents are present. List on **28.01.2021** for physical hearing. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** ukt/-

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

O.A. No. 85 of 2018

Smt Sarita Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents are present. List on **05.04.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** ukt/-

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

O.A. No. 565 of 2018

Sep Rajnish (Through his wife Smt Bunty Rani) 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**
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vikas Singh Chauhan, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present. List on **06.04.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** ukt/-

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

O.A. No. 248 of 2018

Shyam Singh Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List this case on **24.03.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents and medical papers pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 206 of 2019

Smt Savitri Chand 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col B.P. Singh (Retd), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List this case on **17.02.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 125 of 2019

Pradeep Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Dr. S.N. Pandey, Ld. Counsel for the respondents is present. None appears to present the case of the applicant, nor is there any mention made on his behalf to pass over or adjourn the case. Accordingly, we **dismiss** the application for non prosecution. Interim order, if any, shall stand vacated. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 65 of 2020 with M.A. No. 921 of 2019

Smt Chandrawati, W/o Late Ex Sep Sita Ram Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List this case on **06.04.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 664 of 2020

Ex Nk Shishpal 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List this case on **13.04.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 219 of 2014

Chandrabhan Singh & another 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Pankaj Singh Chauhan, Ld. Counsel for the applicant and Shri Namit Sharma and Shri R. Chandra, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List this case on **23.04.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 3 of 2017

Ram Bahadur Pal 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R.K. Dwivedi, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Shri Shailendra Kumar Singh and Dr. Ashish Asthana, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List this case on **14.04.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 167 of 2017

Dilip 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Bipin Kumar Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. On the case being taken up for hearing Shri S.G. Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List this case on **14.04.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 321 of 2016

K.K. Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. The case is adjourned in terms of order dated 08.04.2019. List this case on **20.04.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-

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

O.A. No. 428 of 2019

Ex Rect Manish 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List this case on **02.03.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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 2020 Inre O.A. No. 148 of 2018

Ex Spr Raj Kumar Verma 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
	22.01.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents and Shri RK Tiwari, Account Officer, PCDA (P), Allahabad. We have perused the copy of PPO which has been generated in compliance of the order and we find that it does not include service element. Learned counsel for the respondents prays for and is granted one day time to seek instructions from the authority concerned. List on **25.01.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** Ukt/-