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

O.A. No. 28 of 2020 with M.A. No. 659 of 2019

Ex. Sgt. Prakash Chandra Dey 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. The Original Application has been filed with delay of 09 years 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. **O.A. No. 28 of 2020** Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, 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)

O.A. No. 391 of 2021 with M.A. No. 399 of 2021

Ex. MWO Ram Lakhan 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Ramesh Chandra Shukla, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record. Heard Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents. As per office note, there is no delay in filing Original Application, therefore, delay condonatoin application filed by the applicant is **dismissed**. 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 **28.09.2021** for exchange of pleadings. List the matter before Tribunal on **20.10.2021**. **(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. 392 of 2021

L/Nk. Ravindra Nath Bind 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Appoli Srivastava, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record. Heard Shri Ashok Kumar and Shri Pramod Kumar Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. It is a fit case for adjudication. Admit. It is stated that copy of impugned order supplied to the Ld. Counsel for the respondents is not legible. Applicant is, therefore, directed to supply legible copy of the impugned order to the Ld. Counsel for the respondents within a week. 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 **28.09.2021** for exchange of pleadings. List the matter before Tribunal on **20.10.2021.** **(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. 393 of 2021 with M.A. No. 400 of 2021

Ex. Hav. Mangla Prasad 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Arvind Kumar Pandey, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents. The Original Application has been filed with delay of 26 years and 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. **O.A. No. 393 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 **28.09.2021** for exchange of pleadings. List the matter before Tribunal on **20.10.2021.** **(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. 394 of 2021 with M.A. No. 401 of 2021

Ex. Hav. Vindrawan 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Mrs. Prerna Singh, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Mrs. Prerna Singh, Ld. Counsel for the respondents. The Original Application has been filed with delay of 18 years and 14 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. **O.A. No. 394 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 **28.09.2021** for exchange of pleadings. List the matter before Tribunal on **20.10.2021.** **(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. 398 of 2021 with M.A. No. 397 of 2021 and M.A. No. 398 of 2021

Gnr. Birpal 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Priti Mala, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record. Heard Dr. Abhay Kant Upadhyay, Shri Karuna Kant Upadhyay and Shri Ram Kumar Mishra, Ld. Counsel for the applicant and Ms. Priti Mala, Ld. Counsel for the respondents. It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **28.09.2021** for exchange of pleadings. List the matter before Tribunal on **20.10.2021.** **(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. 7 of 2020 Inre : O.A. No. (Nil) of 2020

Smt. Ramwati W/o Hari Darshan 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
	23.07.2021 **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, Advocate holding brief of Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Shri Ashok Kumar, Advocate holding brief of Shri Om Prakash Kushwaha, Ld. Counsel for the applicant submitted that Shri Om Prakash Kushwaha is bedridden. He further submitted that defects in Original Application could not be removed due to illness of Shri Om Prakash Kushwaha. In view of above, list this matter on **09.08.2021**. **(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. 12 of 2018 Inre : O.A. No. 149 of 2013

Smt. Munni 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
	23.07.2021 **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, Ld. Counsel for the applicant and Major Sini Thomas, Departmental Representative are present. Major Sini Thomas, Departmental Representative submitted that certain letters have been sent to the applicant seeking clarification regarding names of her sons, however, no reply in this regard has been received. The submission of Ld. Counsel for the applicant in this regard is that applicant has not received any such letter. Respondents are directed to file copies of letters sent to the applicant within two weeks. List on **16.08.2021**. **(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. 32 of 2020 Inre : O.A. No. 161 of 2017

Ex. Gdsm. Biresh 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
	23.07.2021 **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 Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Shri Ashish Kumar Singh, Ld. Counsel for the respondents submitted that respondents have to file S.L.P. against the order under execution, therefore, some reasonable time be given to bring stay order after filing S.L.P. The order under execution is dated 09.04.2019. Considering the request of Ld. Counsel for the respondents four weeks further time is granted to bring stay order after filing S.L.P. or to comply with the order. Respondents are further directed to deposit the cost due against them by the next date fixed. List on **07.09.2021**. **(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. 33 of 2020 Inre : O.A. No. 522 of 2017

Ex. Hony. Nb. Sub. Niyaz Ahmed 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Ms. Anju Singh, Ld. Counsel for the respondents submitted that respondents have to file S.L.P. against the order under execution, therefore, some reasonable time be given to bring stay order after filing S.L.P. The order under execution is dated 29.11.2018. Considering the request of Ld. Counsel for the respondents four weeks further time is granted to bring stay order after filing S.L.P. or to comply with the order. List on **07.09.2021**. **(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. 395 of 2021 Inre : O.A. No. (Nil) of 2021

Smt. Mohini W/o Late Sep. Satyendra 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Defects have been removed. Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents. The matter pertains to grant of special family pension. In view of averments made in affidavit filed in support of delay condonation application, delay is condoned. Delay condonation application stands disposed off accordingly. Let Original Application be registered. **O.A. No. 396 of 2021** Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents. Shri Angrej Nath Shukla, Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to decide the applicant's applications dated 09.10.2019 and 04.06.2021, which are pending with the respondents, to which Ld. Counsel for the respondents has no objection. With the consent of Ld. Counsel for the parties, we hereby **dispose off** the Original Application finally with the direction to the respondents to decide the applicant's applications dated 09.10.2019 and 04.06.2021, contained as Annexure Nos. 1 and 2 of Original Application, by a speaking and reasoned order in accordance with law, if not already decided, within a period of four months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly. Let a copy of this order be provided to the learned Counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 396 of 2021 Inre : O.A. No. (Nil) of 2021

Smt. Mohini W/o Late Sep. Satyendra 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Defects have been removed. Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents. The instant Original Application has been filed with delay of 01 year, 11 months and 07 days in regard to which application for condonation of delay supported with affidavit has been filed. In view of averments made in affidavit filed in support of application for condonation of delay, delay is liable to be condoned. Accordingly, delay is condoned. Delay condonation application stands decided accordingly. Let Original Application be registered. **O.A. No. 395 of 2021** Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents. Shri Angrej Nath Shukla, Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to decide the applicant's applications dated 09.10.2019 and 04.06.2021, which are pending with the respondents, to which Ld. Counsel for the respondents has no objection. With the consent of Ld. Counsel for the parties, we hereby **dispose off** the Original Application finally with the direction to the respondents to decide the applicant's applications dated 09.10.2019 and 04.06.2021, contained as Annexure Nos. 1 and 3 of Original Application, by a speaking and reasoned order in accordance with law, if not already decided, within a period of four months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly. Let a copy of this order be provided to the learned Counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 364 of 2018 along with T.A. No. 38 of 2016 (Decided)

Ex. Sepoy (SKT) Kirpal 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
	23.07.2021 **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. Ashok Kumar (Retd.) and Shri Rohit Kumar, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents three weeks further time is granted to file detailed Counter Affidavit. List on **31.08.2021**. **(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. 209 of 2020 with M.A. No. 104 of 2020

Col. Shyam Sunder Rai (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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents. The Original Application has been filed with delay of one year. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 209 of 2020** Heard Shri S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, 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)

O.A. No. 632 of 2020

Ex. Nk. Anand 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
	23.07.2021 **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 Manish Misra and Shri Sandeep Shukla, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present. List on **04.10.2021** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 705 of 2020

Smt. Ganga Devi W/o Late Ex. Hav. Sher 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents two weeks and, no more, time is granted to file Counter Affidavit. List on **31.08.2021**. **(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. 263 of 2021

Exp/ORA Bipul Kumar Chaudhary 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
	23.07.2021 **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. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present. List on **27.07.2021 at 02.30 PM** for physical 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)

R.A. No. 57 of 2019 Inre : O.A. No. 523 of 2019

Hony. Nb. Sub. Jeet Bahadur Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents. Ld. Counsel for the applicant submitted that applicant was required to file a calculation sheet regarding payment due and received, however, the same could not be done due to illness of the applicant. Applicant is seeking time to file calculation sheet since long. We have gone through the record of the case and find that order under execution has been complied with. In the result, application deserves to be dismissed in full and final satisfaction. Accordingly, review application is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 305 of 2017

Rajbeer 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
	23.07.2021 **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. Ashok Kumar (Retd.) and Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. List on **20.10.2021**. **(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. 517 of 2017

Rahul 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
	23.07.2021 **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 Vinay Pandey, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present. List on **20.10.2021**. **(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. 97 of 2018

Peskar 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri D.C. Lohumi, Advocate filed Power today in Court on behalf of the respondent No. 3 – State Bank of India which is taken on record. On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondent nos. 1 and 2 and Shri D.C. Lohumi, Ld. Counsel for the respondent No. 3 (State Bank of India) are present. Supplementary Affidavit filed by the applicant is also taken on record. Ld. Counsel for the respondent No. 3 seeks and is allowed two weeks time to file Counter Affidavit. List on **23.09.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 572 of 2018

Col. Abhiram Chandra 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
	23.07.2021 **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 K.K. Misra, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. List on **06.10.2021**. **(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. 379 of 2019

Nb Sub Kailash Chandra 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**
	23.07.2021 **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 KKS Bisht, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **07.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 403 of 2019

Ex Hony Sub Maj Krishna Padad Datta 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**
	23.07.2021 **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 applicant Krishna Pada Datta in person and Dr. Chet Narain Singh, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **11.10.2021** for hearing. On the date fixed, learned counsel for the respondents shall file original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** rathore

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

O.A. No. 518 of 2019

Ex Sep Rishav 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**
	23.07.2021 **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 AK Srivastava (Retd), Shri Dharam Raj Singh and Dr. Ashish Asthana, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **12.10.2021** for hearing. On the date fixed, learned counsel for the respondents shall file original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** rathore

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

O.A. No. 568 of 2019

Ex Sep Manoj 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**
	23.07.2021 **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 Prabhat Kumar Tripathi, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents are present. Counter affidavit filed by the respondents is taken on record. Learned counsel for the applicant prays for and is allowed two weeks time to file rejoinder affidavit. List on **25.08.2021** for hearing. **(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)

O.A. No. 578 of 2019

L Nk / Clk Shiv Pratap Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col BP Singh (Retd), learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **13.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 158 of 2020

Ex Sep Lakhveer 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**
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Singh and Shri Vikas Singh Chauhan, learned counsel for the applicant and Dr. SN Pandey, learned counsel for the respondents are present. Counter and rejoinder affidavits filed by the parties are taken on record. List on **20.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 311 of 2020

Smt Prabhawati 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**
	23.07.2021 **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 BB Tripathi and Shri Amit Verma, learned counsel for the applicant and Dr. Chet Narain Singh and Shri Gaurav Gunjan, learned counsel for the respondents are present. In rejoinder affidavit filed by the applicant he it has been stated that bank has not made payment as per Annexure-4. It has also been stated that no calculation sheet has been filed with regard to payment made. Respondents No 4 to 5 are directed to submit calculation sheet with regard to payment made to applicant by 26.08.2021. List on **26.08.2021** for orders. **(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)

O.A. No. 414 of 2020 Inre M.A. No. 265 of 2021

Km Basanti D/O Ex Late Sep Madhav Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KP Datta, learned counsel for the applicant and Dr. SN Pandey, learned counsel for the respondents are present. Supplementary counter affidavit filed by the respondents is taken on record. **M.A. No. 265 of 2021** In view of averments made in affidavit, correction application is allowed. Aforesaid M.A. is disposed off. **O.A. No. 414 of 2020** Let order dated 02.11.2020 be corrected accordingly. Heard. For order, see judgment on separate sheets. **(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)

O.A. No. 471 of 2020

Ex Rect Rupendra 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**
	23.07.2021 **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 AK Srivastava (Retd), learned counsel for the applicant and Mrs. Anju Singh, learned counsel for the respondents are present. As prayed by learned counsel for the applicant, list on **30.07.2021**. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** rathore

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

O.A. No. 20 of 2021

Lt Col Kapil Khandelwal **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**
	23.07.2021 **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 Vinay Pandey and Shri Chandra Bhan Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present. On the request made by learned counsel for the applicant, two weeks and no more time is granted to file rejoinder affidavit. List on **21.10.2021**. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** rathore

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

O.A. No. 33 of 2021

Sub Maj Bibhu Prasad Samal 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**
	23.07.2021 **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, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents are present. List on **21.10.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. (A) No. 197 of 2015

Ex LAC Shubham 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**
	23.07.2021 **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 KKS Bisht, learned counsel for the applicant and Mrs. Deepti P Bajpai, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **21.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

T.A. No. 596 of 2010

Udai Veer Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col BP Singh (Retd), learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **22.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 470 of 2012

Naseebul Hasan Syed 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**
	23.07.2021 **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 AK Srivastava (Retd), Shri Dharam Raj Singh and Shri Shyam Sunder Bajpai, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **27.08.2021** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. No. 364 of 2019

Ex Hav Mohd Nizamuddin 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**
	23.07.2021 **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, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present. Pleadings are complete and the case is ripe for hearing. List on **22.10.2021** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** rathore

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

O.A. (A) No. 39 of 2017 with M.A. No. 1237 of 2018

Smt Sunita Singh W/o Abhishek Kumar Singh (In Custody) 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**
	23.07.2021 **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. Ashish Asthana, Shri Shailendra Kumar Singh and Shri Jitendar Saksena, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents are present. Supplementary counter affidavit filed by the respondents is taken on record. List on **23.08.2021** for physical hearing. **(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)

Dy No 1277 of 2021 Inre M.A. No 250 of 2021 Inre O.A. No Nil of 2021

Hav Mukhram 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
	23.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Heard Shri Ved Prakash, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents. 2. Learned counsel of both parties are connected through video conference as Shri Ved Prakash had expressed his inability for physical hearing due to being not vaccinated. 3. Learned counsel for the applicant submitted that defects have been removed, one of the previous counsel has given consent to him for filing of recall-cum-review application. He further submitted that he is the sole counsel for the applicant who had requested Mr. Virat Anand Singh, Advocate, who erroneously filed bail application instead of parole application. He further submitted that applicant has filed a post confirmation petition to the competent authority which has not yet been decided. An appeal against finding of conviction and sentence can only be filed after post confirmation petition is decided. He further submitted that respondents learned counsel misled the Tribunal relating to filing of writ petition that applicant conceded material facts while obtaining the order dated 12.05.2017. In writ petition filed in Hon'ble Rajasthan High Court, illegality committed in GCM proceedings and that provisions of POCSO Act are not attracted in the matter are challenged which has nothing to do with parole.

4. Learned counsel for the respondents, in turn, submitted that recall-cum-review application is not maintainable for no affidavit being filed along with it. He further submitted that applicant is guilty of concealment as in writ petition he has claimed stay of effect and operation of the order of conviction and sentence passed by the GCM. He also submitted that interim bail/parole can be claimed and granted in appeal only and decision in post confirmation petition is not must for filing of appeal.

5. Shri Vinay Pandey, previous applicant's counsel has submitted 'No objection' in favour of Shri Ved Prakash, learned counsel who has filed recall-cum- review application. Thus, defect in this regard stands removed. However, as no affidavit mandatorily required under Sub Rule (5) of Rule 18 of The Armed Forces Tribunal (Procedure) Rule, 2008, has been filed, therefore, review application deserves to be dismissed for this reason alone.

6. Even otherwise, impugned order has been passed after hearing both parties which cannot be recalled on the ground of alleged illegality.

7. It is relevant to mention here that interim bail order dated 12.05.2021 in M.A. No 250 of 2021 Inre O.A. (Nil) of 2021 enlarging applicant on interim bail for 15 days was passed absolutely on humanitarian ground to enabling applicant to perform last rituals of his father who died during COVID Pandemic. It was passed under belief being passed in an appeal filed against the order of GCM under Section 15 (2) of the Armed Forces Tribunal Act, 2007 and applicant was directed to surrender before the authorities of District Jail, Lucknow, immediately after expiry of 15 days which he has not done till date. Applicant's plea for issuing direction to enable him to surrender in Central Jail Alwar, Rajasthan in place of District Jail, Lucknow, is not acceptable as he cannot be permitted to what he claims as per his choice.

8. This plea of the applicant is also not acceptable that as he has filed a post confirmation petition to the competent authority, as provided under sub Section (2) of Section 164 of the Army Act, 1950, and said petition is still under consideration, therefore, he can seek parole under Section 15 (6) (d) of the

	Armed Forces Tribunal Act, 2007 without filing appeal. The order of parole can be claimed and granted in appeal only. 9. Impugned order has not been passed on reason of applicant being guilty of concealment of fact relating to filing of writ petition but for the reason that interim bail/ parole can be claimed and granted only in appeal filed against the order of conviction and sentence under Section 15 (6) of the Armed Forces Acts 2007, not otherwise. 10. In view of the aforesaid, we do not find any force in review application on merit also. 11. The recall cum review application is **dismissed** accordingly. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-