

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

M.A. No. 251 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. JWO Manoj Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Ashish Kumar Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 02 years, 10 months and 10 days.</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align: center;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p style="text-align: center;">Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: center;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 258 of 2021</u></p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed six weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 20.07.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 16.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 252 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Hav. Akhilesh Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">There is a delay of 01 year, 01 month and 07 days in filing Original Application.</p> <p style="text-align: center;">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. He further submitted that representation regarding reinstatement into service was rejected by the respondents on 23.02.2021.</p> <p style="text-align: center;">Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that delay has not been properly and satisfactorily explained. He further submitted that applicant being in receipt of invalided pension his application for reinstatement is not maintainable.</p> <p style="text-align: center;">Upon hearing the 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 and delay is condoned.</p> <p style="text-align: center;">Let Original Application be registered.</p> <p><u>O.A. No. 257 of 2021</u></p> <p style="text-align: center;">It is a fit case for adjudication. Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed six weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 20.07.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 16.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 253 of 2021

Ex. Sep. Sunder Lal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Amit Jaiswal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed six weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 20.07.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 16.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 254 of 2021

Sigmn. Yogesh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri R.C. Shukla, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Subham Gupta, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents submitted that applicant having failed to exercise statutory remedy provided under the Army Act, 1950, Original Application is not maintainable.</p> <p>Having heard submissions of Ld. Counsel of both sides, we find that matter needs adjudication.</p> <p>Admit.</p> <p>Issue notice to respondents.</p> <p>Shri R.C. Shukla, Ld. Counsel for the respondents has accepted notice on behalf of respondents and he seeks and is allowed six weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 28.07.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 20.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 255 of 2021

Pradeep Kumar

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Namit Sharma, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication. Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed six weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 28.07.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 20.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Diary No. 1053 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Hav. Padmalochan Giri
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri J.N. Mishra, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Dharam Raj Singh and Dr. Ashish Asthana, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the applicant seeks and is allowed a week time to remove the defects pointed out by the registry.</p> <p style="text-align: center;">List on 08.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 12 of 2021 Inre : O.A. No. 553 of 2019

Ex. JWO Bagish Kumar Bajpai
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Shyam Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed, Ld. Counsel for the respondents is allowed four weeks time to seek instructions from the appropriate authority regarding execution/ implementation of the order and apprise the Tribunal.</p> <p style="text-align: center;">List on 15.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 253 of 2021 with M.A. No. 254 of 2021 Inre : O.A. No. 40 of 2012

Mahabir Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Dr. Shailendra Sharma Atal, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Shri Govind Kant Sharma, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submitted that he has not been provided the copy of application.</p> <p>Ld. Counsel for the applicant is directed to serve a copy of application to the Ld. Counsel for the respondents within three days.</p> <p>Objection, if any, may be filed within three weeks.</p> <p>List on 08.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 255 of 2021 with M.A. No. 256 of 2021
Inre : M.A. No. 5 of 2019 Inre : M.A. No. 2158 of 2017

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

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>24.05.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Yogesh Kesarwani, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>On the case being taken up for hearing Shri Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p><u>M.A. No. 256 of 2021</u></p> <p>For the reasons stated in affidavit filed in support of delay condonation application, delay condonation application is allowed and delay in filing recall application is condoned.</p> <p><u>M.A. No. 255 of 2021</u></p> <p>For the reasons stated in affidavit filed in support of recall application, recall application is allowed and the order dated 18.12.2020 is recalled.</p> <p>Accordingly, M.A. No. 5 of 2019 is restored to its number.</p> <p><u>M.A. No. 5 of 2019</u></p> <p>This application was allowed subject to payment of cost of Rs.1,000/- vide order dated 03.01.2019.</p> <p>Since the applicant has deposited the cost on 16.03.2021, M.A. No.2158 of 2017 as well as O.A. No. (Nil) of 2017 are restored to its numbers.</p> <p><u>M.A. No. 2158 of 2017 Inre : O.A. No. (Nil) of 2017</u></p> <p>List on 15.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>