

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

O.A. No. 212 of 2019

**Ex. Sub. (Hony. Lt.) Shashi Shekhar Pandey** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashsh Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

T.A. No. 41 of 2016

**Smt. Shakuntla Devi Widow of Late Ex. Hav. Rama Kant Sharma**      Petitioner  
By Legal Practitioner for the Petitioner

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Order pronounced today in the open court. Transferred Application is <b>dismissed</b>. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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. 233 of 2021 Inre : O.A. No. (Nil) of 2021

Ex. Nk. Dhurvijai 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><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Ms. Anju Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 16 years, 05 months and 17 days.</p> <p>Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation.</p> <p>Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p>Let Original Application be registered.</p> <p><b><u>O.A. No. 239 of 2021</u></b></p> <p>It is a fit case for adjudication. Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>05.07.2021</b> for exchange of pleadings. List the matter before Tribunal on <b>19.07.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>



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**Court No.1 (E. Court)**

**M.A. No. 232 of 2021 Inre : M.A. No. 378 of 2019 Inre : O.A. No. (Nil) of 2019**

**Gp. Capt. Mohammed Anwaruzzaman Khan (Retd.) & Another** Applicants  
By Legal Practitioner for the Applicants

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>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 Abhishek R. Shukla and Dr. Ashish Asthana, Ld. Counsel for the applicants and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submitted that copy of recall application has not been given to him.</p> <p>Let copy of recall application be given to the Ld. Counsel for the respondents by today itself.</p> <p>Objection, if any, be filed within a week.</p> <p>List on <b>07.04.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) Member (A)</b>      <b>(Justice Umesh Chandra Srivastava) Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 201 of 2016 Inre : T.A. No. 111 of 2012**

**Vineeta Kohli**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ram Kumar Verma, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel appearing on behalf of respondents submitted that the matter has already been sent to District Magistrate, Lucknow and his report is still awaited, therefore, hearing in the case be adjourned.</p> <p>Accordingly, hearing is adjourned.</p> <p>List on <b>29.04.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>



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**Court No.1 (E. Court)**

**Ex. A. No. 12 of 2019 Inre : O.A. No. 46 of 2017**

**Maj. (Retd.) B.S. Rawat** Applicant  
By Legal Practitioner for the Applicant  
**Versus**  
**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents, four weeks further time is granted to make compliance of the order on payment of Rs.10,000/- as cost payable to the applicant.</p> <p>List on <b>21.05.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>





















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**Court No.1 (E. Court)**

**O.A. No. 323 of 2019**

**Ex. Sep. Bhopal Sigh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri S.K. Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit filed by the Ld. Counsel for the respondents is taken on record.</p> <p>Ld. Counsel for the applicant prays for and is allowed two weeks time to file Rejoinder Affidavit.</p> <p>List on <b>19.07.2021</b> for final hearing.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>  Member (A)    Member (J) </p> <p>AKD/-</p>



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**Court No.1 (E. Court)**

**O.A. No. 437 of 2019**

**Col. Surendra Kumar Singh (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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Court No.1 (E. Court)

O.A. No. 581 of 2019

Smt. Sangeeta, Ex. L. Nk. (Late) Achhe 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>25.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents and, as a last chance, three weeks further time is granted to file Counter Affidavit.</p> <p>List on <b>10.05.2021</b>.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)      Member (J)</p> <p style="text-align:left">AKD/-</p>

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

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

**Ex. Sub. Ramesh Kumar Rai**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Original Application has been filed with delay of 02 days.</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 on account of facts stated in affidavit filed in support of application.</p> <p style="text-align: center;">Ld. Counsel for the respondents has opposed on the ground that explanation offered for condonation of delay is not satisfactory.</p> <p style="text-align: center;">We have gone through affidavit filed in support of application for condonation of delay and find that grounds stated therein are genuine and sufficient.</p> <p style="text-align: center;">As such, delay in filing application is condoned. Application stands decided accordingly.</p> <p><b><u>O.A. No. 12 of 2020</u></b></p> <p style="text-align: center;">Counter Affidavit filed by the Ld. Counsel for the respondents is taken on record.</p> <p style="text-align: center;">Heard Ld. Counsel of both sides.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>



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**Court No.1 (E. Court)**

**O.A. No. 411 of 2020**

**Smt. Ram Maya Gurung W/o Nk (Late) Lal Bahadur Ghale**                      Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on <b>13.07.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p><small>AKD/-</small></p>

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

**O.A. No. 736 of 2020**

**Ex. Nk. Kamal Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Prabhat Kumar Tripathi and Ms. Astha Singh Chauhan, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. Counter Affidavit filed by the respondents is taken on record. List on <b>14.07.2021</b>.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)    Member (J)</p> <p>AKD/-</p>



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

**R.A. No. 01 of 2021 Inre : O.A. No. 160 of 2020**

**Smt. Roopa Singh Teveotia, W/o Late Ex. Hav. Aman Pal Singh Teveotia** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents prays for and is granted two weeks further time to file objection against Review Application.</p> <p>List on <b>09.04.2021</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</b> <b>Member (A) Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 263 of 2014**

**Ishwar Prasad**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai and Shri D.C. Lohumi Ld. Counsel for the respondents are present. List on <b>04.05.2021</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p><small>AKD/-</small></p>

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

**O.A. No. 82 of 2017**

**Md Arshad**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri K.K. Misra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents. Original Application is dismissed. For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>

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

**O.A. No. 79 of 2018**

**Smt Raj Kumari (Deceased)**  
**Through Ashok Kumar & Another**  
By Legal Practitioner for the Applicants

Applicants

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri B.B. Tripathi, learned counsel for the applicants and Shri Shyam Singh, learned counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>SB</p>

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

**T.A. No. 49 of 2017**

**Ghanshyam Tiwari**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Shri Dudh Nath Mishra, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p>2. Initially, the petitioner had filed Writ Petition No. 2494 of 2016 before the Hon'ble High Court of Judicature at Patna, which has been transferred to this Tribunal and registered as T.A. No. 49 of 2017. The petitioner has claimed the following relief:- "That, this application has been filed for issuance of direction upon the respondents for correction of records bears the name of family members in his service records for all purpose and for any other relief for which the petitioner found entitled to in the facts and circumstances of the case".</p> <p>3. Briefly stated facts of the case are that the applicant was enrolled in the Army on 15.05.1995. Before enrolment, the applicant was married and had a son named Vivek Tiwari whose age was one year and six months on 15.05.1995 as declared by the applicant in the nomination forms. Accordingly the same was transcribed in the service documents of the applicant by Depot Coy of ASC Centre (North). After completion of basic training, when the applicant was posted to 509 ASC Bn, he submitted necessary supporting documents viz. Declaration certificate witnessed by two applicants and countersigned by the OC for notifying the names of his two children in his service documents i.e. (i) Mr Sudhir Tiwari, date of birth 24.12.1993 and (ii) Mr Ritesh Tiwari, date of birth 13.01.1996. Accordingly, 16 RR Bn published Part II Order No. 0/0009/013 &amp; 014/1999. The applicant while posted with 633 (I) Tk Tptr Bn had requested for relationship certificate in respect of his son named Sudhir Tiwari vide his unit signal dated 01.03.2011 and the same was issued</p>

vide letter dated 08.03.2011. Mr Sudhir Tiwari participated in a Recruit Rally conducted at ASC Centre (South) in November 2014 and was provisionally selected. On producing Relationship Certificate by the son of the petitioner, it was forwarded to Records by ASC Centre (South) for verification. The Records verified the certificate mentioning the complete family details of the petitioner, then only petitioner came to know that name of one more son Vivek Tiwari is also entered in his service documents. The petitioner objected it and intimated through his unit that name of Vivek Tiwari has erroneously been recorded in his service documents and the same be cancelled. The name of Vivek Tiwari was not cancelled from the service documents of the petitioner as intimated by the respondents on the ground that name of Vivek Tiwari was entered at the time of enrolment on the basis of nomination Death-cum-Retirement Gratuity given by the petitioner himself duly signed by two witnesses, hence it cannot be cancelled being a part of kindered roll.

4. Learned counsel for the petitioner submitted that at the time of recording list of members of the family, name of one son namely Sudhir Tiwari recorded twice. The petitioner has two sons, first, Ritesh Tiwari and second, Sudhir Tiwari @ Vivek Tiwari. In place of recording two names of sons of the petitioner three names have been recorded treating alias name a separate person, thus the two persons became three. After getting this fact, the petitioner made an application dated 31.08.2015 requesting correction with respect to total numbers and names of his children recorded in service documents. For this, the petitioner was directed to supply necessary affidavit duly sworn and publishing the same in Hindi Newspaper Rastriya Sahara and submitted this affidavit dated 30.06.2015 and paper publication to the department for correction in record i.e. D.O. Part II. The petitioner submitted joint family photographs duly attested by the Mukhiya of Gram Panchayat showing name and date of birth of all persons with relation to said Sudhir Tiwari vide affidavit dated 05.10.2015. The petitioner also submitted copy of Ration Card issued by Block Development Officer, countersigned by Block Supply Officer, Udwant Nagar, District – Bhojpur wherein only four persons 1. Self, 2. Wife Lalita Devi, 3. Sudhir Tiwari – son and 4. Ritesh Tiwari – son have been figured which shows that there is no son having name Vivek Tiwari. On the application of petitioner, the Unit Commanding Officer forwarded a letter dated 13.07.2015 for necessary correction and cancellation of DO Part II Order. For this error, the son of petitioner named Sudhir Tiwari has been selected for appointment in Army but denied his joining though call letter issued on 28.01.2015. The petitioner as well as his son Sudhir Tiwari are suffering due to this error which is curable and for this several applications supported with affidavits have been sent to the respondents but nothing has been done to correct the service record of the petitioner.

5. Learned counsel for the petitioner prayed that there are only two sons of the petitioner namely Sudhir Tiwari and Ritesh Tiwari, therefore, respondents be directed to correct service record of the petitioner to avoid further inconvenience and embarrassment to the petitioner and his sons.

6. On the other hand, Ld. Counsel for the respondents submitted that petitioner was enrolled in the Army on 15.05.1995. Before enrolment, the petitioner was married and had a son named Vivek Tiwari whose age was one year and six months as declared by the petitioner himself in the nomination forms at Training Centre. Accordingly, the same was transcribed in the service documents of the petitioner by Depot Coy of ASC Centre (North). When the petitioner was posted to 509 ASC Bn, he submitted necessary supporting documents viz. Declaration certificate witnessed by two persons and countersigned by the OC for notifying the names of his two children in his service documents i.e. (i) Mr Sudhir Tiwari, date of birth 24.12.1993 and (ii) Mr Ritesh Tiwari, date of birth 13.01.1996. Accordingly, 16 RR Bn published Part II Order No. 0/0009/013 & 014/1999. The petitioner while posted with 633 (I) Tk Tptr Bn had requested for relationship certificate in respect of his son named Sudhir Tiwari vide his unit signal dated 01.03.2011 and the same was issued vide letter dated 08.03.2011. Mr Sudhir Tiwari participated in a Recruit Rally conducted at ASC Centre (South) in November 2014 and was provisionally selected. On producing Relationship Certificate by the son of petitioner, it was forwarded to Records by ASC Centre (South) for verification. The Records verified the certificate mentioning the complete family details of the petitioner. Thereafter, petitioner came to know that name of one more son Vivek Tiwari is also entered in his service documents. The petitioner objected it and intimated through his unit that name of Vivek Tiwari has erroneously been recorded in his service documents and the same be cancelled. The name of Vivek Tiwari was not cancelled from the service documents of the applicant on the ground that name of Vivek Tiwari was entered at the time of enrolment on the basis of nomination Death-cum-Retirement Gratuity given by the petitioner himself duly signed by two witnesses, hence name of a family member, once recorded cannot be cancelled being a part of kindered roll. He submitted that O.A. lacks merit and same may be dismissed.

7. After perusal of material on record, we are of the opinion that petitioner has only two sons named Sudhir Tiwari and Ritesh Tiwari. Sudhir Tiwari @ Vivek Tiwari is one and same person, not two persons. Hence, Service record of the petitioner needs to be corrected showing only two sons Sudhir Tiwari and Ritesh Tiwari.

8. In view of above, the Original Application is allowed. Impugned orders are set aside. The respondents are directed to correct/update service record of

the petitioner showing name of two sons i.e. Mr. Sudhir Tiwari and Mr. Ritesh Tiwari in the details of family members of the petitioner by way of publishing fresh Part II Order and thereafter, issue/provide an updated service record to the petitioner. The entire exercise shall be completed at earliest, preferably within four months from the date certified copy of order is produced to the respondents.

9. There shall be no order as to costs.

10. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.

**(Vice Admiral Abhay Raghunath Karve)**  
**Member (A)**

**(Justice Umesh Chandra Srivastava)**  
**Member (J)**

SB



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

O.A. No 490 of 2017

Ashwani Kumar Singh  
By Legal Practitioner for the Applicant

Applicant

**Versus**

Union of India & Others  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present.</p> <p>O.A. No. 490 of 2017, Ashwani Kumar Singh, vs. Union of India and others is <b>dismissed</b>.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

O.A. No. 320 of 2017

**Smt Saroj Tiwari**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant, list this case on <b>04.05.2021</b> for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1 (E. Court)

O.A. No. 563 of 2019 with M.A. No. 870 of 2019

Ex Sub Karan Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Rejoinder affidavit filed by learned counsel for the applicant is taken on record.</p> <p><b><u>M.A. No. 870 of 2019</u></b></p> <p>Heard Shri Manoj Kumar Awasthi, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <ol style="list-style-type: none"><li>1. This Original Application has been filed with delay of 05 years, 05 months and 28 days.</li><li>2. 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.</li><li>3. 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.</li><li>4. 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.</li><li>5. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</li></ol> <p><b><u>O.A. No. 563 of 2019</u></b></p> <p>O.A. No. 563 of 2019, Ex Sub Karan Singh vs. Union of India and others is <b>allowed</b>.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p>(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)      Member (J)</p> <p>UKT/-</p>

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

O.A. No. 140 of 2020

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing applicant Nb Sub Sudeep Kumar Singh is present in person and Shri Yogesh Kesarwani, learned counsel for the respondents are present.</p> <p>As prayed, list this case on <b>08.07.2021</b> for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>  <b>Member (A)</b> </div> <div style="text-align: center;"> <b>(Justice Umesh Chandra Srivastava)</b>  <b>Member (J)</b> </div> </div> <p>UKT/-</p>

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

**O.A. No. 756 of 2020**

**Ex Nk Raj Narayan**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>25.03.2021</b></u> <u><b>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align:center">Heard Shri Om Prakash Kushwaha, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p style="text-align:center">Learned counsel for the respondents submitted that prayer of the applicant made in O.A. has been complied with and applicant has been informed vide letter dated 21.02.2018 and the same has been replied in para 16 of the counter affidavit.</p> <p style="text-align:center">In view of the fact stated in para 16 of the counter affidavit, O.A. has rendered infructuous and is therefore <b>dismissed</b> as such.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>

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

**R.A. No. 2 of 2021 with M.A. No. 12 of 2021 Inre O.A. No. 277 of 2017**

<b>Union of India &amp; Others</b> By Legal Practitioner for the Applicants	<b>Versus</b>	Applicants
<b>Surendra Yadav</b> By Legal Practitioner for Respondent		Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>25.03.2021</u></b>  <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p><b><u>M.A. No. 12 of 2021</u></b></p> <p style="padding-left: 40px;">Heard Shri Anurag Mishra, learned counsel for the applicants and Shri Atul Kumar Singh, learned counsel for the respondents on application for condonation of delay in filing Review Application.</p> <p style="padding-left: 40px;">This Review Application has been filed with delay of 03 years, 02 months and 20 days.</p> <p style="padding-left: 40px;">There seems to be error in the order dated 03.08.2017, hence delay in filing Review Application is condoned.</p> <p><b><u>R.A. No. 2 of 2021</u></b></p> <p style="padding-left: 40px;">Order dated 03.08.2017 is corrected as under:-</p> <p style="padding-left: 40px;">In 11<sup>th</sup> and 12<sup>th</sup> lines of the order “ Summary Court Martial took place” would be corrected as “Summary Trial” and in line 17 “Respondent No 4” would be corrected as “Respondent No 3.”</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>     <b>(Justice Umesh Chandra Srivastava)</b>  Member (A)     Member (J)</p> <p>UKT/-</p>



