

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

**Court No.1 By Circulation**

**R.A. No. 32 of 2021 with M.A. No. 415 of 2021 Inre : O.A. No. 357 of 2020**

**Union of India & Others**  
By Legal Practitioner for the Applicant

Review Applicants

**Versus**

**Ex. Sub/AEC Hirdai Narain Kushwaha**  
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.07.2021</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;">Review Application has been placed before us by Circulation.</p> <p style="text-align: center;">We have gone through the Review Application as well as order dated 17.03.2021 passed by this Tribunal in O.A. No. 357 of 2020.</p> <p style="text-align: center;">As per office note, there is no delay in filing Review Application, therefore, delay condonatin application filed by the applicant is <b>dismissed</b>.</p> <p style="text-align: center;">The Review Applicant has filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review and setting aside the order dated 17.03.2021 of this Tribunal passed in Original Application No.357of 2020. The order reads as under:-</p> <p style="text-align: center;"><i>“In view of the above, the Original Application No. 357 of 2020 is allowed. The applicant is held entitled to the benefit of rounding off of disability element from 20% for life to 50% for life with effect from three years prior to the date of filing of Original Application. The date of filing of Original Application is 13.10.2020. The respondents are directed to give effect to this order within a period of four months from the date applicant submits mandatory documents alongwith certified copy of this order. Defaults will invite interest @ 8% per annum from the due date till actual payment.”</i></p> <p style="text-align: center;">It is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-</p> <p style="text-align: center;"><i>“1. Application for review of judgment.- (1) any person considering himself aggrieved-</i> <i>(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,</i></p>

(b) by a decree or order from which no appeal is allowed, or  
(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”

In view of the principles of law laid down by the Hon'ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon'ble Supreme Court in Para 9 of its judgment in the case of ***Parsion Devi and others vs. Sumitri Devi and others***, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

*“9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self- evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."*

We have gone through the judgment and order sought to be reviewed and no illegality or irregularity or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

In the result, Review Application is **rejected**.

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

**(Justice Umesh Chandra Srivastava)**  
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. 124 of 2019**

**Col. Vinay Kumar Sarin (Retd.)**  
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>28.07.2021</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 K.K. Misra, 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>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></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. 95 of 2018 Inre : O.A. No. 143 of 2015**

**Shaikh Ibrahim**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Chief of Army Staff & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.07.2021</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 Rohit Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The Special Leave Petition filed in the Hon'ble Apex Court against the order under execution has been dismissed on 20.07.2021.</p> <p style="text-align: center;">Respondents are directed to make compliance of the order within four weeks.</p> <p style="text-align: center;">List on <b>16.09.2021</b>.</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>

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

**Ex. A. No. 202 of 2018 Inre : O.A. No. 314 of 2018**

**Krishna Bihari Mishra**  
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>28.07.2021</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 Col. R.A. Pandey (Retd.), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that since applicant was discharged from service in November, 1995 service pension is payable to him with effect from the date of discharge and not from the date when Mercy Petition was made.</p> <p style="text-align: center;">We have gone through the copy of P.P.O. annexed along with affidavit of compliance and we find that service pension has been made payable to the applicant with effect from 26.12.2016, the date when Mercy Petition was made. We have also gone through the order passed in Original Application No. 314 of 2018 wherein a direction has been given to respondents to decide the Mercy Petition.</p> <p style="text-align: center;">In view of the aforesaid direction and considering that despite being discharged from service in November, 1995 the Mercy Petition was made on 26.12.2016, we do not find any fault on the part of respondents if they have given service pension to applicant from the date of Mercy Petition.</p> <p style="text-align: center;">In the result, Execution Application is <b>dismissed</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 style="text-align: left;">AKD/-</p>

**Form No. 4  
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Court No.1 (E. Court)**

**Ex. A. No. 18 of 2019 Inre : T.A. No. 79 of 2016**

**Smt. Kanti Devi**

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>28.07.2021</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, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondent Nos. 1 to 4 are present</p> <p>Shri D.C. Lohumi, Advocate is also present on behalf of respondent Nos. 5 and 6, who filed his Vakalatnama which is taken on record. He submits that he will ensure compliance of the order within two weeks.</p> <p>Let compliance be made within the time as said.</p> <p>Applicant is also directed to cooperate bank officials in compliance of the order.</p> <p>List on <b>23.08.2021</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>

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

**Ex. A. No. 31 of 2019 with M.A. No. 406 of 2021 and M.A. No. 407 of 2021**  
**Inre : O.A. No. 236 of 2013**

**Ex. Rect. Bashisth Singh Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.07.2021</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>Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p><b><u>M.A. No. 406 of 2021</u></b></p> <p>For the reasons stated in affidavit filed in support of application for condonation of delay, delay condonation application is <b>allowed</b> and delay in filing modification is <b>condoned</b>.</p> <p><b><u>M.A. No. 407 of 2021</u></b></p> <p>For the reasons stated in affidavit filed in support of modification application, modification application is <b>allowed</b> and the order dated 09.08.2017 passed in Original Application No. 236 of 2013 is modified to the extent that <b>rounding off shall be done with effect from 01.01.1996</b>, as the Policy for rounding off has come into existence on 01.01.1996.</p> <p>Let a copy of order be given to the Ld. Counsel for the respondents within two days to ensure compliance</p> <p><b><u>Ex. A. No. 31 of 2019</u></b></p> <p>In view of order passed in Modification Application being M.A. No. 407 of 2021 respondents are directed to make compliance of the order under execution within four weeks.</p> <p>List on <b>17.09.2021</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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**{See rule 11(1)}**  
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**Court No.1 (E. Court)**

**Ex. A. No. 63 of 2019 Inre : T.A. No. 185 of 2009**

<b>Ex. Nk. Vijay Kumar Yadav</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>		
	<p><b><u>28.07.2021</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: justify;">On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">On the request of Ld. Counsel for the respondents four weeks further time is granted to file affidavit of compliance with direction that if the order is not complied within given time, respondents shall pay Rs.10,000/- as cost to the applicant.</p> <p style="text-align: center;">List on <b>14.09.2021</b>.</p> <table border="0" style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</td><td style="width: 50%; text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</td></tr></table> <p style="margin-top: 10px;">AKD/-</p>	<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)
<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)		



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

**Ex. A. No. 35 of 2020 with M.A. No. 334 of 2021 Inre : O.A. No. 146 of 2015**

**Devendra Singh Bhandari**  
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>28.07.2021</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 Lalit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Inquiry Report in sealed cover has been received.</p> <p>Arguments in this case have already been heard.</p> <p>Order is reserved.</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>





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

**M.A. No. 266 of 2021 Inre : O.A. No. (Nil) of 2021**

**Ex. Sub. Umesh Chandra**  
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>28.07.2021</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>Objection to delay condonation application filed by the respondents is taken on record.</p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>On perusal of Original Application it appears that applicant was discharged from service on 30.04.2005 due to being in Permanent Low Medical Category. It also appears that discharge was based on the report of Release Medical Board, no Invaliding Medical Board appears to be held in the matter.</p> <p>Respondents are, therefore, directed to seek instruction if Invaliding Medical Board was held before discharging the applicant.</p> <p>Let instruction be sought within two weeks.</p> <p>List on <b>03.09.2021</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>

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

O.A. No. 168 of 2019

**Ex. Dfr. Jagir 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>28.07.2021</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.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the applicant and, as a last chance, two weeks time is granted to file impleadment application.</p> <p>List on <b>23.08.2021</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>



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

**O.A. No. 100 of 2020 with M.A. No. 954 of 2019**

**Ex. Nb. Sub. Shyam 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><b><u>28.07.2021</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;">The Original Application has been filed with delay of 07 years, 04 months and 09 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.</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><b><u>O.A. No. 100 of 2020</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> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> 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. 382 of 2020

**Ex. Cfn. Ram Din**  
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>28.07.2021</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 Parijaat Belaura, Ld. Counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the applicant submitted that his client is not in touch with him since long that is why Rejoinder Affidavit could not be filed.</p> <p>In view of above, Original Application is <b>dismissed</b> for non-prosecution.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)      <b>(Justice Umesh Chandra Srivastava)</b> 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. 646 of 2020**

**Ex. Lance Nk. Shiv Kumar**  
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>28.07.2021</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>On the case being taken up for hearing Shri R.N. Tripathi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents two weeks time is granted to file Counter Affidavit.</p> <p>List on <b>23.08.2021</b>.</p> <p>Along with the order dated 27.11.2020 the following sentence may also be read :-</p> <p style="text-align: center;">“Objection against delay condonation application filed by the respondents is taken on record.”</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>

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

**O.A. No. 85 of 2021**

**Kripa Shankar Sinha**  
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>28.07.2021</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 D.K. Pandey, Ld. Counsel for the respondents is present.</p> <p>It is informed that Shri Om Prakash Kushwaha, Ld. Counsel for the applicant is admitted in Hospital due to chest infection. A request has been made on his behalf to adjourn the hearing today.</p> <p>No Counter Affidavit has been filed by the respondents.</p> <p>Let Counter Affidavit be filed within two weeks failing which opportunity to file the same shall stand closed without any reference.</p> <p>List on <b>25.08.2021</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>

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

M.A. No. 413 of 2021 Inre : O.A. No. 387 of 2021

**Ex. AC (U/T) Krishna Pratap 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>28.07.2021</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 Sudhiar Kumar Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">The case is already listed on <b>26.08.2021</b> for hearing. No early date is possible, hence, early hearing application is <b>rejected</b>.</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. 476 of 2017**

**Smt. Madhuri 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>28.07.2021</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>Heard Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>By means of instant Original Application the applicant has prayed for direction to the respondents to allow the dual family pension on the basis of letter dated 17.01.2013 passed by Ministry of Defence, Government of India and letter dated 16.08.2014 along with arrear including 10% interest from 22.11.2011.</p> <p>Briefly stated, applicant's husband (No. 1528122 Y Ex. Sapper Yugal Kishore Singh) was enrolled in the Bombay Engineer Group of Indian Army on 02.08.1963 and was discharged on 31.01.1980. After his discharge applicant's husband joined the Forest Department as Guard on 22.12.1988 and retired on 30.06.2001 and while serving with Forest Department he was drawing pension from the Army. Since July, 2001 applicant's husband drew retiral pension both from the Indian Army as well as from the Forest Department. Applicant's husband died on 12.08.2010. After the death of her husband the applicant had granted family pension from the Forest Department. The Indian Army has not granted the family pension to the applicant and the same was stopped with effect from 22.11.2011 vide letter dated 06.01.2012. Earliest there was no provision for grant of dual pension to person who had served in the Army as well as in the Civil, however, the Principal Controller of Defence Accounts (Pension), Allahabad issued Circular dated 17.01.2013 circulating a copy of Government of India letter dated 17.01.2013 wherein the Ministry of Defence admitted in that benefit of dual pension shall be admissible to armed forces personnel who discharged/retried/invalided out from service w.e.f. 24.09.2012 or thereafter. It was also provided that the benefit of these provisions shall also be allowed in past cases, however, the financial benefit shall be granted from 24.09.2012 only. It is in this perspective that the applicant has preferred the present Original Application.</p>

In reply, in para 8 of the Counter Affidavit the respondents have conceded that the applicant is entitled to draw ordinary family pension from both military and civil side as such they have asked the applicant to submit the requisite documents for processing her family pension from the Army side. However, inspite of repeated reminders, the Dual Name Affidavit sworn before the First Class Magistrate has not been submitted by the applicant. Further, in para 11 of the Counter Affidavit it has been averred that the instant Original Application may be disposed off with direction to the applicant to provide the requisite documents for processing the case with PCDA (P), Allahabad and liberty may be given to the respondents to deal the case in accordance with the existing Government Policy in the matter.

With the consent of Ld. Counsel for the parties, we hereby **dispose off** the Original Application finally with the direction to the respondents to grant ordinary family pension to the applicant in accordance with the existing Government Policy in the matter, within a period of four months from the date of receipt of copy of this order.

Applicant is also directed to provide the requisite documents for processing the case with Principal Controller of Defence Accounts (Pension), Allahabad within a period of two weeks.

Let a copy of this order be provided to the learned Counsel for the parties.

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

**(Justice Umesh Chandra Srivastava)**  
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. 492 of 2017**

**Smt. Shyamal Sri**  
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>28.07.2021</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 Sudhir Kumar Singh, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit and Supplementary Counter Affidavit filed by the respondents are taken on record.</p> <p>Vide order dated 03.12.2020 of this Tribunal applicant's opportunity of filing Rejoinder Affidavit was closed. After passing of this order, a Rejoinder Affidavit has been filed by the applicant on 08.01.2021 and oral request has been made to take the same on record.</p> <p>In the interest of justice, order dated 03.12.2020 is recall and Rejoinder Affidavit is taken on record.</p> <p>List on <b>30.07.2021</b> for final hearing.</p> <p>Name of Shri Sudhir Kumar Singh, Advocate be also shown as Counsel for the applicant when the case is listed next.</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)**

**O.A. No. 22 of 2018**

**Jeet 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>28.07.2021</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 Ashish Kumar Singh, Ld. Counsel for the respondents is present.</p> <p>Shri Om Prakash Kushwaha, Ld. Counsel for the applicant is reported to be ill and admitted in Hospital due to chest infection.</p> <p>List on <b>23.08.2021</b>.</p> <p>(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 202 of 2021 Inre O.A. No (Nil) of 2021**

**Ex Cfn Ranjit 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>28.07.2021</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>Heard Wg Cdr SN Dwivedi (Retd), learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Objection to delay condonation application is taken on record.</p> <p>Applicant has filed this application for grant of service pension after setting aside his order of discharge from service on 22.08.1980. There is delay of 39 years, 09 months and 15 days in filing of Original Application.</p> <p>Submission of learned counsel for the applicant is that delay in filing of application is not deliberate. No show cause notice was given to the applicant nor any court of inquiry was held before the applicant was discharged. Further submission of learned counsel for the applicant is that applicant was residing in his house in Lucknow after being illegally discharged from service which was set on fire during 1984 Sikh Riots and all house hold goods including documents got burnt. He came to know about being discharged from service w.e.f. 22.08.1980 due to his services being no longer required being undesirable soldier vide EME Records letter dated 03.06.2005. Thereafter, he made several representations to the concerned authorities for giving him documents relating to his service but of no avail. Ultimately, he made an application in the year 2020 under RTI Act for furnishing requisite information, where after he was informed about being discharged and also the date of</p>

discharge from service. Thus his submission is that, there is no fault on his part in approaching the Tribunal for redressal of his grievances.

Learned counsel for the respondents has vehemently opposed the prayer inter alia on the grounds that applicant has not given any plausible explanation for long delay of more than 39 years in filing of application. He has incorrectly said that he came to know about his discharge and its reason when he received communication in this regard from the office of EME Records vide letter dated 03.06.2005 and reply furnished under the RTI Act. As a matter of fact, he was in knowledge of being discharged from service from the date of discharge and as he has not furnished any sufficient explanation for long delay of more than 39 years, delay is not liable to be condoned.

Upon hearing submissions of learned counsel of the parties it is pertinent to mention that there is a long delay of more than 39 years in filing of application for which no sufficient explanation has been given. Although, applicant has stated that all his house hold goods including documents were burnt during Sikh Riots in the year 1984 but this could not be taken a valid reason for the delay caused. In a case like such applicant is under obligation to give day to day explanation of delay which he has utterly failed. The explanations he has given are casual which cannot be treated sufficient to condone the delay. Therefore, application deserves dismissal.

Accordingly, delay condonation application is **rejected**.

O.A. being time barred is also dismissed.

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

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

UKT/-

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

**O.A. No 779 of 2020**

**Ex Hav Manik Chand Gupta**  
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>28.07.2021</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 VP Pandey, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents.</p> <p style="text-align: center;">O.A. No. 779 of 2020, Ex Hav Manik Chand Gupta, vs. Union of India and others 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>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 558 of 2020

<p><b>L /Nk Pramod Singh Yadav (Retd)</b> By Legal Practitioner for the Applicant</p>	<p>Applicant</p>
<b>Versus</b>	
<p><b>Union of India &amp; Others</b> By Legal Practitioner for Respondents</p>	<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.07.2021</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: justify;">Heard Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents.</p> <p style="text-align: justify;">O.A. No. 558 of 2020, Ex L/Nk Pramod Singh Yadav, vs. Union of India and others is <b>allowed</b>.</p> <p style="text-align: justify;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: justify;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> </div> <div style="text-align: center;"> <p><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> </div> </div> <p>UKT/-</p>