

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

O.A. No. 130 of 2021

Ex. Hav. Radhey Shyam Yadav
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>29.10.2021</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;">Counter Affidavit filed by the respondents is taken on record. Heard Shri Manoj Kumar Awasthi and Shri Anshuman Srivastava, Ld. Counsel for the applicant and Shri Somesh Singh, 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.</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

Diary No. 2778 of 2021

Ex. Hav. Navin 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
	<p><u>29.10.2021</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;">Memo of Appearance filed by Shri Somesh Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Vinay Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicant that Original Application may be dismissed as not pressed.</p> <p style="text-align: center;">Accordingly, Original Application is dismissed as not pressed.</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

O.A. No. 652 of 2021 with M.A. No. 741 of 2021

Hav. Navin Kumar (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><u>29.10.2021</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>Memo of Appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>The instant Original Application has been filed for grant of disability pension with delay of 06 years, 05 months and 07 days regarding which an application for condonation of delay has been filed. An affidavit in support thereof has also been filed stating therein that delay in filing Original Application is not intentional.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering that bar of limitation is not applicable in pensionary matter and also that delay, if any, in filing Original Application is not deliberate, we condone the delay. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 652 of 2021</u></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 08.12.2021 for exchange of pleadings. List the matter before Tribunal on 17.01.2022.</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

O.A. No. 654 of 2021 with M.A. No. 742 of 2021

MWO Kamlesh Tiwari (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><u>29.10.2021</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;">Memo of Appearance filed by Shri Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As per office note, there is no delay in filing Original Application, however, an application for condonation of delay has been moved which being not required is dismissed.</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 four 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 08.12.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 17.01.2022.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p>

AKD/-

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

O.A. No. 656 of 2021 with M.A. No. 743 of 2021

Ex. Hav. Sarabjeet 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>29.10.2021</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;">Memo of Appearance filed by Shri Kaushik Chatterjee, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Ashish Kumar Verma and Shri Arvind Thakur, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As per office note, there is no delay in filing Original Application, however, an application for condonation of delay has been moved which being not required is dismissed.</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 four 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 08.12.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 17.01.2022.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <p style="margin-top: 10px;">AKD/-</p>

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

O.A. No. 657 of 2021 with M.A. No. 744 of 2021

Sgt. Vikaram Singh Thakur (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><u>29.10.2021</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;">Memo of Appearance filed by Shri Arvind Kumar Pandey, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Ravi Kumar Yadav and Shri Kuldeep Raj Sharma, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As per office note, there is no delay in filing Original Application, however, an application for condonation of delay has been moved which being not required is dismissed.</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 four 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 08.12.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 17.01.2022.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 659 of 2021

Hav. Sudhir Kumar Rai
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.10.2021</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>Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Rohit Kumar, 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 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 09.12.2021 for exchange of pleadings.</p> <p>List the matter before Tribunal on 18.01.2022.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 750 of 2021 with M.A. No. 751 of 2021 Inre : O.A. No. 282 of 2019

Union of India & Others

By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Nb. Sub. Dharmendra Kumar Upadhyay

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>29.10.2021</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 R.C. Shukla, Ld. Counsel for the applicants – Union of India & Others.</p> <p style="text-align: center;">As per office note, there is no delay in filing Leave to Appeal, however, an application for condonation of delay has been moved which being not required is dismissed.</p> <p style="text-align: center;">This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is also dismissed.</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

M.A. No. 754 of 2021 with M.A. No. 755 of 2021 Inre : M.A. No. 205 of 2021

Rfn./Chef. (Community) Devendra Mohan
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>29.10.2021</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;">Memo of Appearance filed by Dr. Shaileendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Vijay Kumar Pandey , Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">This is an application to recall the order dated 09.07.2021 by which Misc. Application No. 205 of 2021 Inre : Original Application No. (Nil) of 2021 has been dismissed with observation that grievance raised in Original Application has been redressed. It is submitted by the Ld. Counsel for the applicant that applicant had filed two Original Applications in respect of different grievances and while his grievance being redressed in the other Original Application, he get this Original Application dismissed under wrong impression as if grievance has been redressed in the instant case.</p> <p style="text-align: center;">Considering the facts and circumstances of the case and also that Misc. Applcation No. 205 of 2021 Inre : Original Application No. (Nil) of 2021 has been dismissed in wrong conception, the recall application is allowed.</p> <p style="text-align: center;">Let Misc. Application No. 205 of 2021 Inre : Original Application No. (Nil) of 2021 be restored to its number.</p> <p style="text-align: center;">List on 10.12.2021.</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

O.A. No. 226 of 2020 with M.A. No. 417 of 2021 and M.A. No. 107 of 2020

Ex. Sep. Dharmendra Singh Bhadoria
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>29.10.2021</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 Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicant that while preparing the case for Rejoinder Affidavit the Ld. Counsel for the applicant came to know that certain facts have been left to be incorporated in the Original Application such as no show cause notice was issued, applicant before being discharged from service and also that the order under which applicant has been discharged from service had been issued on 08.01.2008 with effect whereof applicant was struck on strength (SOS) with effect from 09.01.2008.</p> <p style="text-align: center;">In reply, the Ld. Counsel for the respondents submitted that amendments are not required to be incorporated in the Original Application at all as it is nowhere the case of the applicant that applicant was discharged from service on 08.01.2008 rather the consistent case of applicant is that applicant was discharged from serviced with effect from 09.01.2008.</p> <p style="text-align: center;">Upon submissions of Ld. Counsel of the parties and having gone through the facts stated in Original Application as well as in amendment application, we find that nature of Original Application may not be changed if the amendment is allowed.</p> <p style="text-align: center;">Accordingly, amendment Application is allowed.</p> <p style="text-align: center;">Amendment be incorporated within two weeks after serving amended copy of amended Original Application to the Ld. Counsel for the respondents, who on receipt of copy will have three weeks time to file Supplementary Counter Affidavit.</p> <p style="text-align: center;">List on 04.01.2022.</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

O.A. No 421 of 2019

Ex Lance Nk Dharendra 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><u>29.10.2021</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>Reply to objection filed by the applicant is taken on record.</p> <p>Heard Shri Manoj Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Applicant has filed this application seeking his reinstatement in service after setting aside the order of discharge. It is submitted by learned counsel for the applicant that applicant had filed M.A. No 241 of 2019 inre O.A. (Nil) of 2019 for his reinstatement which was dismissed in lemini on 15.05.2019 with observation that order of discharge being not challenged the O.A. was not maintainable and liberty to challenge discharge order was given.</p> <p>There being delay in filing of application, the application for condonation of delay supported with affidavit has also been filed and it is submitted that this application being filed under order of this Bench passed in earlier O.A, the delay in filing application should be condoned.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer saying there being inordinate delay in filing the Original Application and the same being not satisfactorily explained on day to day basis, delay should not be condoned.</p> <p>We have gone through the facts and circumstances of the case as well as order of this Bench passed in M.A. No 241 of 2019 Inre O.A. (Nil) of 2019 and we find that in view of the order passed, delay in filing O.A. is liable to be condoned.</p> <p>Accordingly, delay is condoned.</p> <p>Delay condonation application stands disposed of accordingly.</p> <p><u>O.A. No. 421 of 2019</u></p> <p>Heard. It is a fit case for adjudication.</p> <p>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>

List this case on **10.12.2021** before the Registrar Court for exchange of pleadings and **19.01.2022** before this Tribunal for final hearing.

On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-

