Court No. 1 (E-Court)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 520 of 2019

Thursday, this the 01st day of July, 2021

"Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)"

No. JC-668584M, Ex. Sub./Clk. Jai Prakash Singh, Son of Late Shree Tej Bahadur Singh, R/o C/o Ram Ujagir Maurya, Gyan Bhawan, F-1, Plot No. 19, Swaroop Park, Sahibabad, Ghaziabad-201005, U.P.

….. Applicant

Ld. Counsel for the Applicant : Shri Pankaj Kumar Shukla, Advocate.

Versus

1. **The Union of India, through Secretary, Ministry of Defence (Army), South Block, New Delhi-110010.**

2. **Chief of the Army Staff, IHQ MOD (Army), Army HQ, South Block, New Delhi.**

3. **Officer In Charge Records, ASC Records (South), PIN-900493, C/o 56 APO.**

4. **PCDA (Pension), Draupadi Ghat, Allahabad.**

.....Respondents

Ld. Counsel for the Respondents. : Shri Ashish Kumar Singh, Central Govt. Counsel

ORDER

"Per Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)"

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs.

A. To issue/pass an order or directions to set-aside/quash the order dated 31.01.2019 and 21.08.2019 passed by respondents.

B. to issue/pass an order or directions to the respondents to grant disability element of disability pension @40% w.e.f. from the date of discharge i.e. 31.03.2019 in light of

Hon'ble Apex Court Cases i.e. "Sukhvinder Singh Vs Union of India" (Surpa).

C. To issue/pass an order or directions to the respondents to grant benefit of rounding off disability pension @40-50% for life along with 12% interest on arrears w.e.f. from date of discharge i.e. 31.03.2019 in light of Hon'ble Apex Court Cases i.e. "Union of India Vs Ram Avtar" (Supra) and vide Government of India Ministry of Defence letter dated 31.01.2001.

D. To issue/pass any other order or directions as this Hon'ble Tribunal may deem just, fit and proper under the circumstances of the case in favour of the applicant.

E. To allow this original application with costs.

2. Briefly stated, applicant was enrolled in the Indian Army on 29.03.1989 and was discharged on 31.03.2019 in Low Medical Category on fulfilling the conditions of his enrolment under Rule 13 (3) Item I (i) (a) of the Army Rules, 1954. At the time of discharge from service, the Release Medical Board (RMB) held at Base Hospital, Delhi Cantt. on 15.10.2018 assessed his disabilities (i) 'PRIMARY HYPERTENSION' @ 30% for life and (ii) 'IMPAIRED CLUCOSE TOLERANCE' @11-14% for life, composite @40% for life and opined the disabilities to be neither attributable to nor aggravated (NANA) by service. The applicant's claim for grant of disability pension was rejected vide letter dated 30.01.2019. The applicant preferred First Appeal which too was rejected vide letter dated 21.08.2019. It is in this perspective that the applicant has preferred the present Original Application.

3. Learned Counsel for the applicant pleaded that at the time of enrolment, the applicant was found mentally and physically fit for service in the Army and there is no note in the service documents that he was suffering from any disease at the time of enrolment in Army.

The diseases of the applicant were contacted during the service, hence they are attributable to and aggravated by Military Service. He pleaded that various Benches of Armed Forces Tribunal have granted disability pension in similar cases, as such the applicant be granted disability pension as well as arrears thereof, as applicant is also entitled to disability pension and its rounding off to 50%.

4. On the other hand, Ld. Counsel for the respondents contended that composite disabilities of the applicant @40% for life has been regarded as NANA by the RMB, hence applicant is not entitled to disability element of disability pension. He pleaded for dismissal of the Original Application.

5. We have heard Ld. Counsel for the applicant as also Ld. Counsel for the respondents. We have also gone through the Release Medical Board proceedings as well as the records and we find that the questions which need to be answered are of two folds:-

(a) Whether the disabilities of the applicant are attributable to or aggravated by Military Service?

(b) Whether the applicant is entitled for the benefit of rounding off the disability pension?

6. The law on attributability of a disability has already been settled by the Hon'ble Supreme Court in the case of *Dharamvir Singh Versus Union of India & Others,* reported in (2013) 7 Supreme Court Cases 316. In this case the Apex Court took note of the provisions of the Pensions Regulations, Entitlement Rules and the General Rules of Guidance to Medical Officers to sum up the legal position emerging from the same in the following words.

> ***"29.1. Disability pension to be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by***

military service in non-battle casualty and is assessed at 20% or over. The question whether a disability is attributable to or aggravated by military service to be determined under the Entitlement Rules for Casualty Pensionary Awards, 1982 of Appendix II (Regulation 173).

29.2. A member is to be presumed in sound physical and mental condition upon entering service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical grounds any deterioration in his health is to be presumed due to service [Rule 5 read with Rule 14(b)].

29.3. The onus of proof is not on the claimant (employee), the corollary is that onus of proof that the condition for non-entitlement is with the employer. A claimant has a right to derive benefit of any reasonable doubt and is entitled for pensionary benefit more liberally (Rule 9).

29.4. If a disease is accepted to have been as having arisen in service, it must also be established that the conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service [Rule 14(c)]. [pic]

29.5. If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has led to an individual's discharge or death will be deemed to have arisen in service [Rule 14(b)].

29.6. If medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the Medical Board is required to state the reasons [Rule 14(b)]; and 29.7. It is mandatory for the Medical Board to follow the guidelines laid down in Chapter II of the Guide to Medical Officers (Military Pensions), 2002 - "Entitlement: General Principles", including Paras 7, 8 and 9 as referred to above (para 27)."

7. In view of the settled position of law on attributability, we find that the RMB has denied attributability to the applicant only by endorsing that the disabilities 'PRIMARY HYPERTENSION' and 'IMPAIRED CLUCOSE TOLERANCE' are neither attributable to nor aggravated (NANA) by service on the ground of onset of disability on

09.06.2014 while posted in Peace location (Khdakwasla, OC Tps ND|A), therefore, applicant is not entitled to disability pension. However, considering the facts and circumstances of the case, we are of the opinion that this reasoning of Release Medical Board for denying disability element of disability pension to applicant is not convincing and doesn't reflect the complete truth on the matter. Peace Stations have their own pressure of rigorous military training and associated stress and strain of military service. The applicant was enrolled in Indian Army on 29.03.1989 and the disabilities have started after more than 25 years of Army service i.e. on 09.06.2014. We are therefore of the considered opinion that the benefit of doubt in these circumstances should be given to the applicant in view of *Dharamvir Singh vs Union of India & Ors* (supra), and the disabilities of the applicant should be considered as aggravated by military service.

8. The law on the point of rounding off of disability pension is no more RES INTEGRA in view of Hon'ble Supreme Court judgment in the case of *Union of India and Ors vs Ram Avtar & ors* (Civil appeal No 418 of 2012 decided on 10th December 2014). In this Judgment the Hon'ble Apex Court nodded in disapproval of the policy of the Government of India in granting the benefit of rounding off of disability pension only to the personnel who have been invalided out of service and denying the same to the personnel who have retired on attaining the age of superannuation or on completion of their tenure of engagement. The relevant portion of the decision is excerpted below:-

> ***"4. By the present set of appeals, the appellant (s) raise the question, whether or not, an individual, who has retired on attaining the age of***

> ***superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No 1(2)/97/D (Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.***
>
> ***5. We have heard Learned Counsel for the parties to the lis.***
>
> ***6. We do not see any error in the impugned judgment (s) and order(s) and therefore, all the appeals which pertain to the concept of rounding off of the disability pension are dismissed, with no order as to costs.***
>
> ***7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.***
>
> **8.** ***This Court grants six weeks' time from today to the appellant(s) to comply with the orders and directions passed by us."***

9. As such, in view of the decision of Hon'ble Supreme Court in the case of *Union of India and Ors vs Ram Avtar & ors (supra)*, we are of the considered view that benefit of rounding off of disability pension @40% for life to be rounded off to 50% for life may be extended to the applicant from the date of his discharge.

10. In view of the above, the Original Application No. 520 of 2019 deserves to be allowed, hence allowed. The impugned orders dated 30.01.2019 and 21.08.2019, annexed as Annexure Nos. 1 and 2 of Original Application, are set aside. Both the disabilities of the applicant are held as aggravated by Army Service. The applicant is entitled to get disability element @40% for life which would be rounded off to 50% from the date of his discharge. The respondents are directed to grant disability element to the applicant @40% for life

which would stand rounded off to 50% for life from the date of discharge. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

11. No order as to costs.

(Vice Admiral Abhay Raghunath Karve) Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

Dated : 01 July, 2021

AKD/-

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

O.A. No. 520 of 2019

Ex. Sub. Jai Prakash 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
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar 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. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 293 of 2021

Smt Roshani Devi
M/O Late Sep Tarun 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Ms. Anju Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. Heard Shri K.K. Misra and Shri Shyam Sunder Bajpai, learned counsel for the applicant and Ms. Anju Singh, learned counsel for the respondents. It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **24.08.2021** for exchange of pleadings. List the matter before Tribunal on **10.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. (A) No. 292 of 2021

Ex. Sigmn. Rahul Sorout Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Dr. C.N. Singh, Advocate filed power today in Court on behalf of the respondents which is taken on record. Heard Shri K,K. Misra and Shri Shyam Sunder Bajpai, learned counsel for the appellant and Dr. C.N. Singh, learned counsel for the respondents. It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **24.08.2021** for exchange of pleadings. List the matter before Tribunal on **10.09.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 143 of 2017 Inre : O.A. No. 166 of 2017

Smt. Neelam 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Angrej Nath Shukla, learned counsel for the applicant and Ms. Anju Singh, learned counsel for the respondents are present. Ld. Counsel for the respondents prays for and is granted two weeks and, no more, time to seek instructions from the authority concerned and apprise the Tribunal. List on **27.07.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 51 of 2018 with M.A. No. 303 of 2020
Inre : O.A. No. 169 of 2011

Lt. Col. Lokesh Kandpal 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Dr. Ashish Asthana and Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri R.K.S. Chauhan, learned counsel for the respondents are present. On the request of Ld. Counsel for the respondents three weeks and, no more, time is granted to produce ICR/Pen Picture in sealed cover for perusal of the Bench. List on **10.08.2021.** Let a copy of this order be provided to the Ld. Counsel for the respondents within two days for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 6 of 2021 Inre : T.A. No. 94 of 2009

Ex. Sep. Sayed Shahid Ali 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Misra, learned counsel for the petitioner and Shri Yogesh Kesarwani, learned counsel for the respondents are present. It is submitted by the Ld. Counsel for the respondents that in compliance of order passed by this Tribunal as well as Hon'ble Apex Court in Special Leave Petition filed by the respondents fresh sanction has been accorded by the Government and P.P.O. has been issued and applicant is receiving pension from the date of discharge. An affidavit of compliance stating therein the aforesaid facts has also been filed by the respondents, which is taken on record. In regard to this, the Ld. Counsel for the applicant sought and allowed one week time to go through it and to file objection, if any. List on **14.07.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 479 of 2020 Inre : O.A. (Nil) of 2020

Ex. Hav. Parmanand Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Wg. Cdr. S.N. Dwivedi (Retd), learned counsel for the applicant and Shri Manu Kumar Srivastava learned counsel for the respondent Nos. 1 to 4 and Shri Shivanshu Bajpai, Ld. Counsel for the respondent No. 5 are present. Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri Shivanshu Bajpai, Ld. Counsel for the respondent No. 5. It is submitted by the Ld. Counsel for the applicant that applicant is not getting the benefit of disability element since 01.02.2004 and is also not getting the interest as per Reserve Bank of India Circular. It is further submitted that respondent No. 5 has also not complied with letter dated 09.10.2018 wherein a direction has been issued to instruct the concerned Branch to pay disability element as well as interest to the applicant. In regard to above, the submission of Ld. Counsel for the respondent No. 5 is that three weeks time be given to him to make compliance of the letter mentioned above, which is allowed. List on **11.08.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 118 of 2021 with M.A. No. 119 of 2021
Inre : M.A. No. 556 of 2019 Inre : Dy. No. 343 of 2019
Inre : O.A. Nil of 2019

Mohd Saquib Jawaid 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
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Mohammad Isa Khan, learned counsel for the applicant and Ms. Appoli Srivastava, learned counsel for the respondents are present. On 03.03.2021 the recall application was allowed subject to payment of Rs.500/- as cost which has not been paid as yet. The submission of Ld. Counsel for the applicant is that a week time be given to him to pay cost, which is allowed. List on **17.08.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 127 of 2021 Inre : R.A. No. 5 of 2021
Inre : O.A. No. 495 of 2018

Ex Rect Durgesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Sunil Sharma, Ld. Counsel for the respondents is present. None appears to present the case of the applicant, nor is there any mention made on his behalf to pass over or adjourn the case. Accordingly, we **dismiss** Misc. Application No. 127 of 2021 for non prosecution. **(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

M.A. No. 192 of 2021 Inre M.A. No. 98 of 2021
With M.A. No. 99 of 2021 Inre M.A. No. 100 of 2021
Inre : O.A. Nil of 2019

Ex. Hav. Ram Kishore 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rajeev Srivastava, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents. **M.A. No. 98 of 2021** For the reasons stated in affidavit filed in support of delay condonation application, delay conconation application is **allowed** and delay in filing the recall application is **condoned**. **M.A. No. 99 of 2021** For the reasons stated in affidavit filed in support of recall application, recall application is allowed and the order dated 25.11.2020 is recalled subject to payment of Rs.1000/- as cost payable to AFT, Lucknow Bar Association. On payment of cost, Diary No. 1162 of 2019 is restored to its number. **Diary No. 1162 of 2019** Let defects be removed within a week. List on **28.07.2021**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 484 of 2018 with M.A. No. 113 of 2019

Nb. Sub. Jagbhan Singh Tomar 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
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri J.N. Mishra, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents are present. On perusal of record it appears that amendments have not yet been incorporated in the pleadings despite being allowed vide order dated 04.07.2019. Applicant is directed to carry out amendments within a week positively failing which order dated 04.07.2019 shall stand withdrawn without any reference. After amendments being incorporated and copy of amended pleadings being served to Counsel for the respondents within a period of one week from today the respondents shall file Supplementary Counter Affidavit to the amended pleadings within three weeks next thereafter. List on **17.08.2021.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 137 of 2019 with M.A. No. 276 of 2020

Mukesh 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
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Yashpal Singh, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents. **M.A. No. 276 of 2020** Applicant has made this application seeking amendments in the pleadings on the premise that applicant was not aware about his dismissal from service when the Original Application was filed. It is also submitted that applicant came to know about him being dismissed from service after Counter Affidavit was filed and, therefore, in order to challenge his dismissal order amendments are necessary to be made in the pleadings. Ld. Counsel for the respondents has vehemently opposed the prayer *inter alia* on the ground that applicant had been dismissed from service much before the filing of Original Application and had been informed about it too. Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case we find that amendments are necessary to be incorporated in the pleadings for the just decision of the case. This is required to avoid multiplicity of proceedings also. Amendment Application is, therefore, **allowed**. Let amendments be incorporated within a week after serving a copy of amended pleadings to the Counsel for the respondents. The respondents shall file Supplementary Counter Affidavit within three weeks next thereafter. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter. List on **24.08.2021** for final hearing**.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 91 of 2020 with M.A. No. 884 of 2019

Smt Aash Kumari Gurung
@ As Kumari 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri B.B. Tripathi and Shri Amit Verma, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present. List on **02.09.2021** for final hearing**.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 242 of 2020

Ex Sgt Vijai Kumar Maithil 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
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Heard Shri Om Prakash Kushwaha, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents. 2. Applicant has filed present application under Section 14 of the Armed Forces Tribunal Act, 2007 and has sought following reliefs:- "A. To issue/pass an order or direction to set-aside/quash the order dated 28.03.2017, which is attached as Annexure No. A-1 to this original application. B. To issue/pass an order or directions to the respondents to grant Ex-Serviceman Status order and subsequently grant Ex-Servicemen facilities i.e. ECHS & Discharge Book to the applicant by converting his dismissal order dated 18.02.2013 into discharge order in light of Hon'ble AFT (RB) Chennai, R.K. Sutar vs. Union of India & Others. C. To issue/pass any other order or direction as this Hon'ble Tribunal may deem just, fit and proper under the circumstances of the case in favour of the applicant. D. To allow this original application with costs." 3. Brief facts of the case are that applicant was enrolled in the Indian Air Force on 29.08.1991. On 21.06.2002 while applicant was on the posted strength of 29 ED, AF Kanpur, he was allegedly caused injuries to Mr. Shankar Lal at Kanpur. Later the injured Mr. Shankar Lal succumbed to the injuries. A Criminal Case No. 570/2002 was registered at police Station Chakeri under Section 302, 307, 34 and 504 of IPC on 21.06.2002 against applicant and his family members. On 22.06.2002, applicant was sent to judicial custody in District Jail, Kanpur. Thereafter, applicant moved a bail application before the District & Sessions Judge, Kanpur but the same was rejected and he remained in judicial custody until bail was granted by the Hon'ble High Court, Allahabad. Pursuant to grant of bail order by the Hon'ble High Court, Allahabad, applicant was released from judicial custody on

04.10.2002. While the applicant was on posted strength of 12 FBSU, Additional District & Sessions Judge, Kanpur passed judgment on 19.01.2008 and awarded Rigorous Imprisonment (RI) for life along with fine of Rs. 5000/- under Section 302 and 307 read with Section 34 of IPC. Consequent to conviction and sentence, applicant was placed in civil custody in District Jail, Kanpur on 19.01.2008. On 15.02.2008, The Hon'ble High Court, Allahabad granted bail to the appellant. He was granted bail from civil custody of District Jail, Kanpur on 10.03.2008. Thereafter applicant reported on duty on 13.03.2008. After a period of five years on 14.11.2012, applicant was issued with Show Cause Notice. The applicant submitted his reply on 04.12.2012 but on 18.02.2013, the respondents passed the order for dismissal from service. Accordingly, applicant was discharged from service on 21.02.2013. The petition of the applicant dated 15.04.2013 for grant of pension and pensionary benefits was rejected by the respondents saying applicant was not eligible for pensionary benefits as per Regulation 102(a) of Pension Regulations for the Air Force 1961 (Part-1). Being aggrieved, the applicant filed O.A. No. 191 of 2013 before this Tribunal which was dismissed vide order dated 15.10.2015 on the reason there being no illegality in passing the order of dismissal by the respondents. Thereafter, applicant preferred a Mercy Appeal for the grant of pensionary benefits and accordingly applicant was granted 70% service pension by the respondents vide letter dated 26.08.2014. Thereafter, applicant preferred a representation for the grant of status of Ex-serviceman which was rejected by the respondents vide order dated 23.02.2017. Being aggrieved, the applicant has filed the present Original Application for the grant of status of Ex-serviceman.

4. Learned counsel for the applicant submitted that on 21.06.2002 while the applicant was on duty at SMC, 402 AF Station Chakeri, Kanpur a message was received that his father sustained head injury. The applicant alongwith an ambulance was sent where applicant's father was residing. When applicant reached his house he came to know that some altercation took place between neighbours and his parents and both the parties sustained injuries. The police registered a criminal case against the applicant and was taken into judicial custody, thereafter bail was granted on 04.10.2002 during the pendency of trail at Sessions Court, Kanpur. The Additional District and Session Judge, Kanpur vide order dated 19.01.2008 held applicant guilty and awarded sentence of Rigorous Imprisonment (RI) for life alongwith fine of Rs. 5000/-. Consequent to this sentence, the applicant was taken into civil custody on 19.01.2008. On 15.02.2008 applicant was granted bail. Thereafter, applicant reported on duty on 13.03.2008. After a period of five years on 14.11.2012, applicant was issued with Show Cause Notice. The applicant replied on 04.12.2012 but on 18.02.2013, the respondents passed order for dismissal from service. Accordingly, applicant was dismissed from service on 21.02.2013. The petition of applicant dated 15.04.2013 for grant of pension and pensionary benefits was

rejected by the respondents saying applicant was not eligible for pensionary benefits as per Regulation 102(a) of Pension Regulations for the Air Force 1961 (Part-1). Being aggrieved, the applicant filed O.A. No. 191 of 2013 before this Tribunal which was dismissed vide order dated 15.10.2015 on the reason there being no illegality in passing the order of dismissal by the respondents. Thereafter, applicant preferred a Mercy Appeal for grant of pensionary benefits and accordingly, applicant was granted 70% service pension by the respondents vide letter dated 26.08.2014. Thereafter, applicant preferred representation for grant of status of an Ex-serviceman which was rejected by the respondents vide order dated 23.02.2017 and communicated to the applicant that "***Your ground for separation from service (dismissal) does not change and thus you cannot be deemed to be released or retired from service therefore, you cannot be considered as ESM as per the provision of Government of India***".

5. Learned counsel for the applicant also placed reliance on the judgment of AFT (RB) Chennai in O.A. No. 35 of 2013, ***Ex Sgt R.K. Sutar vs. Union of India & others***, decided on 17.09.2013 and pleaded that respondents have awarded 70% service pension on mercy ground and therefore, applicant be granted status of an Ex-serviceman by converting the dismissal of the applicant into discharge.

6. Learned counsel for the respondents submitted that the applicability of pension to the airman is governed by the pension Regulations for the Air Force, 1961 (Part-1). As per Regulation 102 (a), an Airman who is dismissed under the provision of the Air Force Act is ineligible for pension or gratuity in respect of his previous service. However, as per Govt. of India, Ministry of Defence letter No. Air HQ/24229/Reg 16 & 102/PP&R/326/A/D (Pen/Sers) dated 25.04.2001, in exceptional cases, the competent authority may, at his discretion, sanction pension/gratuity or both at a rate not exceeding that which would be otherwise admissible in case of normal discharge.

7. Learned counsel for the respondents further submitted that applicant's petition dated 15.04.2013 was duly examined by the competent authority after considering all the facts in its entirety and awarded 70% pensionary benefits for life w.e.f. 15.04.2013 (i.e. date of petition). A representation dated 29.11.2016 was received from the applicant for grant of status of Ex-serviceman and its consequential benefits which was duly examined in the light of Govt. of India order dated 04.10.2012 issued on the subject and was rejected being devoid of merit vide letter dated 28.03.2017 as a sympathetic view had already been accorded by the competent authority by granting 70% pensionary benefits to applicant on humanitarian grounds, therefore, applicant's interpretation and demand for grant of status of Ex-serviceman on the basis of pension is

	incorrect and unsubstantiated. He pleaded that O.A. is lack of merit and is liable to be dismissed. 8. We have perused the records and analysed the submissions of both the counsels and find that applicant's Criminal Appeal is still pending before the Hon'ble High Court and conviction order is not set aside, hence, there is no reason to grant status of an Ex-serviceman on the basis of judgment of AFT (RB) Chennai order dated 17.09.2013. The first O.A. preferred by the applicant has already been rejected by this Tribunal and therefore, second O.A. for the same prayer is not maintainable. 9. In view of above, the present Original Application being second O.A. for the same prayer is not maintainable and is accordingly **dismissed.** 10. No order as to costs. 11. Pending misc. applications, if any, are disposed off. **(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

O.A. No. 693 of 2020

Nk Lochan Prasad Kashyap 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Ms Astha Singh Chauhan and Shri Prabhat Kumar Tripathi, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present. List on **03.09.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 777 of 2020

Ex Rfn Prem Bahadur Chhetri 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present. As prayed by learned counsel for the respondents two weeks time, as a last chance, is granted to file counter affidavit. List on **11.08.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 785 of 2020

Abhishek Kumar Tripathi
S/O Ex Sep Balaji Tripathi 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing none is present on behalf of the applicant to represent his cause. Shri Sunil Sharma, learned counsel for the respondents is present and he submits that application be dismissed being infructuous as applicant has died. In view of the fact that application has rendered infructuous on account of applicant being died, Original Application is **dismissed**, accordingly. **(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

O.A. No. 7 of 2021

Ex Spr Sikandar Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manish Misra and Shri Sandeep Shukla, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents are present. Learned counsel for the respondents prays for and is granted three weeks and no more time to file counter affidavit. List on **16.08.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. (A) No. 375 of 2019

Ex Sapper Ajay Kumar Shriwastava 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Gaurav Gupta and Ms Kavita Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. This O.A. was filed in the year 2019 but no counter affidavit has been filed as yet. It is submitted by learned counsel for the respondents that he has received instructions to file counter affidavit, however, the same could not be filed on the reason that applicant has also approached Hon'ble Rajasthan High Court for redressal of his grievances which he has not disclosed in the O.A. The reason assigned for not filing counter affidavit is not good. The respondents are therefore, directed to file counter affidavit within three weeks and thereafter, rejoinder affidavit, if any, may be filed within a week. List on **17.08.2021** for orders. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

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

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

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri VP Pandey, learned counsel for the applicant and Dr. Chet Narain Singh, learned counsel for the respondents are present. As prayed by learned counsel for the applicant ten days time, as a last chance, is granted to file calculation chart of amount payable/received by the applicant vide this Tribunal order dated 25.01.2021. List on **23.07.2021** for orders. **(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

M.A. No. 306 of 2021 Inre O.A. No. 252 of 2021

Col P Yesudian Sugumar 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents are present. As prayed by learned counsel for the respondents ten days further time is granted to file counter affidavit. List on **12.07.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

M.A. No. 317 of 2021 Inre Ex-A/20 of 2019
Inre O.A. No. 453 of 2017

Ex Sep Bhag Bahadur Tamang Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Ors Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Lalit Kumar, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present. The case is already listed on 14.07.2021, therefore, no early hearing is possible. List on **14.07.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 116 of 2013

Karamati Iqbal Khan 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KKS Bisht, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents are present. List on **24.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 203 of 2013

Pushkar 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, learned counsel for the applicant and Shri RKS Chauhan, learned counsel for the respondents are present. List on **24.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 31 of 2014

Jeetendra Bahadur 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri KK Misra, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present. List on **24.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 165 of 2016

Ajit Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Ors Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, learned counsel for the applicant and Dr. SN Pandey, learned counsel for the respondents are present. List on **24.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 60 of 2017

Chander Pal 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri DS Tiwari, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present. List on **25.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 309 of 2017

Col Vikram Chauhan 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Shri Indra Sen Singh and Shri Ravi Prakash Tripathi, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present. List on **25.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No.386 of 2017

Ashok Kumar Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being listed for hearing Shri Rohit Kumar, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents are present. List on **25.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 622 of 2017

Prithvi Pal 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Om Prakash Kushwaha, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents are present. List on **25.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 94 of 2018

Smt Sundari Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri VP Pandey, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents assisted by Maj Tejas, Departmental Representative are present. As prayed by learned counsel for the respondents, list tomorrow (**02.07.2021**) for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 265 of 2018

Deo Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Rohit Kumar, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents are present. List on **26.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 387 of 2018

Ex AC (U/T) Krishna Pratap Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri SK Singh, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents are present. List on **26.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 396 of 2018

Rajendra Prasad Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri DS Tiwari, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present. List on **26.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 46 of 2019

Smt Shiv Kumari Pandey 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri VP Pandey, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents are present. List on **05.07.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 315 of 2019

Col Balraj Sharma, SC 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing applicant in person and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present. List on **10.08.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 129 of 2020

Hav Lalendra Kumar Choudhary 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents are present. List on **01.09.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 664 of 2020

Ex Nk Shishpal 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**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kudmar Awasthi, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents are present. As prayed by learned counsel for the respondents, list on **12.07.2021** for hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(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

O.A. No. 470 of 2012

Naseebul Hasan Syed Applicant
By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	01.07.2021 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col AK Srivastava (Retd), Shri Dharam Raj Singh and Shri Shyam Sunder Bajpai, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents are present. List on **23.07.2021** for physical hearing. On the date fixed, learned counsel for the respondents shall produce all original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve) Member (A)** **(Justice Umesh Chandra Srivastava) Member (J)** SB