

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

O.A. No 303 of 2021

CHM Kishan 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>05.07.2021</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 Namit Sharma, Advocate, on behalf of respondents is taken on record. His name shall be shown as counsel for the respondents on the next date of listing.</p> <p>Heard Shri Lalit Kumar and Dr. Ashish Asthana, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p>Applicant has filed this application seeking issuance of directions to the respondents to promote applicant to the post of Nb Sub (Pipe/Drums) from 20.07.2019 and, if the said vacant post has been filled up by someone after 20.07.2020 who is junior to him, then revert such person to his Regiment and transfer the applicant on promotion to RVC Centre.</p> <p>Learned counsel for the respondents has raised serious objection regarding maintainability of the O.A. on the following grounds:-</p> <ol style="list-style-type: none">(i) Applicant has not named the Subedar who he mentions to have been short listed to the post on which he claims promotion nor has arrayed him as party.(ii) Applicant has made bald allegations against respondents regarding extraneous consideration in favouring the so called Subedar.(iii) Applicant has not given details of the case he has referred to in O.A. in which Hon'ble Apex Court has waived the delay in filing application due to COVID- 19 PANDEMIC. <p>During the course of hearing, learned counsel for the respondents submitted that in view of bald allegations made against the respondents and not naming the Subedar nor arraying him as party in the O.A. who applicant alleges to have been short listed/favoured by the respondents, O.A. deserves to be dismissed being not maintainable.</p>

In reply, learned counsel for the applicant submitted that pleas in regard to maintainability of O.A. taken by the respondents learned counsel are not sustainable, therefore, deserves to be turned down. He submitted that respondents themselves have not named the Subedar they have short listed for the post as is evident from their letter dated 26 September 2019 (Paper No 34 of the O.A.), therefore, they cannot claim O.A. being not maintainable due to not naming nor arraying him in the application.

As regards order of the Hon'ble Apex Court waiving delay in filing application due to COVID-19, PANDEMIC, submission of learned counsel for the applicant is that order of the Hon'ble Apex court is in public domain and respondents' learned counsel is supposed to know it.

Upon hearing submissions of learned counsel of both sides and having gone through the contents of O.A. as well as reliefs claimed therein, we find that applicant has not named the individual who has been short listed to the post of Subedar to which he is claiming promotion, as respondents have not disclosed his name in the impugned order dated 26 September 2019 and, therefore, they cannot claim O.A. being not maintainable due to this reason. Respondents have denied promotion to applicant to the post of Nb Subedar on the premise that someone has been short listed for the said post and also that his name would be considered next as and when vacancy arises. They are very well in knowledge that who is the person short listed for promotion to the post and since they have not disclosed his name, they cannot claim O.A. being not maintainable for this reason.

As regards waiver of delay, Hon'ble Apex Court in M.A. No 665/2021 in SNW (C) No 3 of 2020 has directed that period of limitation from 14.07.2020 till further order, in respect of all judicial proceedings, shall stand extended/condoned. The order of Hon'ble Apex Court is in public domain and everyone dealing in judicial matters in any manner is supposed to know it. The order is not required to be mentioned in the pleadings. The plea of not mentioning the order of Hon'ble Apex Court in the O.A. is therefore also not sustainable.

In view of the aforesaid, we do not find any force in the submissions of learned counsel for the respondents and they are therefore turned down and O.A. is held maintainable and needs adjudication.

Admit.

No notice need be issued to respondents as copy of O.A. has been served to them.

Written statement/counter affidavit be filed within four weeks and rejoinder affidavit, if any, may be filed within two weeks next thereafter.

List on **24.08.2021** before Registrar Court for exchange of pleadings.

List on **15.09.2021** before this Tribunal for hearing.

(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. 32 of 2020 with M.A. No. 197 of 2019

Smt. Shanti Devi
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>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri B.B. Tripathi and Shri Amit Verma, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents No. 1 to 3 are present.</p> <p>Counter affidavit filed by learned counsel for the respondents No 1 to 3 is taken on record.</p> <p>No notice to respondent No 4 and 5 has been issued as directed.</p> <p>Issue notice to respondent No 4 and 5 returnable within four weeks.</p> <p>List on 20.08.2021 for orders.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) 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. 147 of 2020

Ex. Sub. Ombir 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>05.07.2021</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;">On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record. No rejoinder affidavit has been filed by the applicant till date, therefore, opportunity to file the same is closed.</p> <p style="text-align: center;">List on 15.09.2021 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)
O.A. No. 148 of 2020

Ex. Sgt. Ram Chandra 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>05.07.2021</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>Heard Shri Rang Nath Pandey and Shri Rahul Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p>Counter affidavit and rejoinder affidavit are taken on record.</p> <p>Applicant was enrolled in Indian Air Force on 13.03.1992 and was discharged from service on 31.03.2012 in low medical category. His claim for grant of disability pension was rejected. He filed O.A. No 462 of 2019 in this Tribunal which was allowed on 30.09.2019. Operating portion of the O.A. is as under:-</p> <p><i>"11. Accordingly the O.A. is allowed. The disability of the applicant i.e. "PRIMARY HYPERTENSION (OLD)" is to be considered as aggravated by military service. The impugned orders passed by the respondents are set aside. The respondents are directed to grant disability element to the applicant @ 30% for life which would stand rounded off to 50% for life from three years prior to the filing of the present Original Application. The date of filing of O.A. is 13.05.2019."</i></p> <p>Now the applicant has filed a fresh O.A. No 148 of 2020 with the prayer to grant disability pension from the date of rejection of disability pension claim i.e. 31.10.2011 or from the date of discharge i.e. 31.03.2012.</p> <p>We have gone through the order dated 30.09.2019 passed by this Tribunal.</p> <p>The order for grant of disability pension was passed from three years prior to filing of O.A. in prospective to Hon'ble Apex Court Order in the case of <i>Shiv Dass vs. Union of India</i>, reported in 2007 (3) SLR 445 which stipulates that if a petition for pension (disability pension in this case) is filed beyond a reasonable period, the relief prayed for may be restricted to a reasonable period of three years.</p> <p>Accordingly, O.A. has no force and is therefore dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

UKT/-

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

O.A. No. 149 of 2020

Hav. (MP) Akhila Nand 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><u>05.07.2021</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;">On the case being taken up for hearing Shri Monoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Counter affidavit filed by learned counsel for the respondents is taken on record. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within a week.</p> <p style="text-align: center;">List on 15.09.2021 for hearing.</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>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. 229 of 2020 with M.A. No. 106 of 2020

Ex. Sgt. Vinod Dutt Sharma

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.07.2021</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;">On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents submits that counter affidavit is almost ready and he shall file it within a week. Let counter affidavit be filed within in week after serving a copy to learned counsel for the applicant who may file rejoinder affidavit within next two weeks.</p> <p style="text-align: center;">List on 23.08.2021 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) 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. 269 of 2020

Ex. Hav. (MACP Nb. Sub.) Shivanand Tiwari By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>05.07.2021</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;">On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of learned counsel for the respondents, one week’s and no more time is granted to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within next two weeks.</p> <p style="text-align: center;">List on 24.08.2021 for hearing.</p> <table style="width: 100%;"><tr><td style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 462 of 2020

Smt. Veermati Devi By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>05.07.2021</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;">On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Counter affidavit filed by learned counsel for the is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted one week's further time to file rejoinder affidavit.</p> <p style="text-align: center;">List on 19.07.2021 for hearing.</p> <table style="width: 100%; margin-top: 10px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 232 of 2010

Jagdish 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>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri S.K. Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>List on 19.07.2021 for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

M.A. No 378 of 2019 Inre O.A. (Nil) of 2019

Gp Capt Mohammed Anwaruzzaman Khan (Retd) & another 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>05.07.2021</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>1. Heard Shri Abhishek R Shukla and Dr Ashish Asthana, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>2. Applicants, who retired on 31.12.2007 and 31.12.2009 respectively from India Air Force at the age of 54, as Group Captain (Gp Capt), have filed this Original Application to issue direction to the respondents to grant all consequential benefits at par with the Selection Grade Gp Capt by extending the benefit of judgment dated 02.05.2013 of the Principal Bench, Armed Forces Tribunal New Delhi passed in T.A. No 385 of 2009, titled Gp Capt Atul Shukla vs. Union of India and Others and judgment and order dated 26.11.2014 in the case of Gp Capt (Retd) BS Chillar and Others in O.A. No 350 of 2013 and Gp Capt Ajit Singh and Others. Their contention is that respondents cannot have differential treatment in extending benefits of service in similarly situated matters, and as their case is at par with Gp Capt Atul Shukla, Gp Capt BS Chillar, Gp Capt Ajit Singh and many others, they are entitled to get the same benefits as given to them.</p> <p>3. There is delay of 12 years, 3 months and 27 days in filing Original Application regarding which their submission is that it is not intentional. They came to know about judgments and orders passed by the Hon'ble Apex Court and Principal Bench and other Regional Benches a little late and thereafter lot of time was consumed in collecting those judgments and orders. Their submission is also that to get benefit of retirement at the age of 57 years like Selection Grade Gp Capt is their fundamental right which cannot be defeated on latches more so when the said benefits have been extended to others. Their also submission is that bar of limitation is not applicable in pensionary matters.</p>

4. Learned counsel for the respondents have vehemently opposed the aforesaid submissions saying no sufficient explanation has been offered.

5. Upon hearing submissions of learned counsel of both sides, we are of the considered view that explanation given for delay is sufficient. We are also of the view that there should be no differential treatment among same cadre employees and, if one alleges infringement of his rights the Court cannot shut doors due to latches.

6. Accordingly, delay is **condoned**.

7. Let O.A. be registered.

O.A. No 334 of 2021

It is fit case for adjudication.

No notice need be issued as Shri Yogesh Kesharwani has accepted notice on behalf of respondents.

Let written statement/counter affidavit be filed within four weeks. Replication/rejoinder affidavit, if any, may be filed within two months next thereafter.

List on **24.08.2021** before Registrar Court for exchange of pleadings.

List on **17.09.2021** before Tribunal for final hearing.

(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. 228 of 2015

Ramesh Chandra Dixit
In Person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Col Ramesh Chandra Dixit (Retd) in person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.2. Applicant has filed this application against his rejection from empanelment for Security Guards Agency by the office of Director General Resettlement terming order of rejection is illegal.3. Learned counsel for the respondents has raised objection qua maintainability of O.A. saying grievance raised in O.A. is not covered in "service matters" as defined in Section 3 (O) of the Armed Forces Tribunal Act, 2007 (In Short "Act"). His submission is that since grievance is not covered in service matters, therefore, O.A. filed for redressal of said grievance is not maintainable.4. Per contra, applicant's submission is that applicant retired from the post of Colonel from Indian Army at the age of fifty four. The Union of India has launched various schemes for welfare of army officers who retire at age below sixty years. A separate directorate under charge of a very senior officer in the name of Resettlement Directorate has been created to look after the welfare of retired army officers and personnel. His submission is that applicant being a retired army officer had applied for empanelment for Security Guard Agency which was unfairly and arbitrarily rejected by the office of Director General of Resettlement. Applicant's rejection for empanelment being contrary to law comes within purview of service matters defined under Section 3 (O) of the Act, therefore, is cognizable by this Tribunal.

On reading definition of service matter it appears that it is not limited to only serving armed forces officers and personnel but extended to retired officers and personnel also. Pension and other retirement benefits have been included in its purview in Section 3 (O) (i) of the Act. Retirement benefits includes resettlement also and as applicant's contention is that he has been unfairly and arbitrarily deprived of his right of resettlement by rejecting his empanelment, it falls in purview of service matters and cognizable by this Tribunal.

Objection raised by learned respondents counsel is therefore overruled.

List on **26.08.2021** for final hearing.

(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. 301 of 2021

Smt. Sumitra Devi W/o Late Shivkeshwar 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>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri G.S. Sikarwar, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p>Heard Shri B.B. Tripathi and Shri Amit Verma, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submitted that applicant wishes to withdraw the Original Application with liberty to file afresh as certain facts have been left to be incorporated therein.</p> <p>In view of above, Original Application is dismissed as withdrawn with liberty to file a fresh.</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. 318 of 2021

Ex. Sub. Maj. (Hony. Capt.) Ramakant 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>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Bipin Kumar Singh, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.</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 01.09.2021 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 20.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 319 of 2021

Brig. Surajit Basu, SM
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>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Sunil Sharma, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">Heard Shri K.D. Nag and Shri R. Chandra, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that respondents desire to file objection against maintainability of Original Application, therefore, a week time be given for the same.</p> <p style="text-align: center;">Let objection be filed within a week, as prayed.</p> <p style="text-align: center;">List on 14.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 14 of 2021 Inre : O.A. No. 263 of 2020

Ex. Nk. Saurabh 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>05.07.2021</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;">Dr. Chet Narayan Singh, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed two weeks time to seek instructions from the appropriate authority concerned and apprise the Tribunal.</p> <p style="text-align: center;">List on 17.08.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 16 of 2021 Inre : O.A. No. 447 of 2019

Ex. Hav. Virender 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>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Shri Ashish Kumar Singh, Advocate filed Memo of Appearance today in Court on behalf of the respondents which is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed two weeks time to seek instructions from the appropriate authority concerned and apprise the Tribunal.</p> <p style="text-align: center;">List on 17.08.2021.</p> <table border="0" style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 20px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

Ex. A. No. 52 of 2018 Inre : O.A. No. 189 of 2010

Shiv Kumar Joshi 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>05.07.2021</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;">On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents submitted that compliance of the under execution has been done. He further submitted to grant two weeks time to file affidavit of compliance which is allowed.</p> <p style="text-align: center;">List on 29.07.2021.</p> <table style="width: 100%; border: none;"><tr><td style="text-align: center; width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 10px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

Ex. A. No. 118 of 2018 Inre : O.A. No. 302 of 2011

Brijendra 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>05.07.2021</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;">On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed, list on 14.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 138 of 2018 Inre : O.A. No. 243 of 2015

Babu Ram 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>05.07.2021</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:justify">On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Shri Anurag Mishra, 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 make compliance of the order.</p> <p style="text-align:center">List on 20.08.2021.</p> <table style="width:100%"><tbody><tr><td style="text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align:right">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></tbody></table> <p>AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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 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

Notes of the Registry	Orders of the Tribunal		
	<p><u>05.07.2021</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;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is allowed a week time to file affidavit of compliance.</p> <p style="text-align: center;">List on 28.07.2021.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="text-align: center; width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 10px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

M.A. No. 12 of 2020
Inre : Ex. A. No. 56 of 2019 Inre : O.A. No. 239 of 2012

Hav./Clk. Ram Roop 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>05.07.2021</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><u>M.A. No. 12 of 2020</u></p> <p>Heard Shri I.P. Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p>It was submitted by the Ld. Counsel for the respondents that order dated 20.01.2021 passed in Ex. A. No. 56 of 2019 ought to have been passed in M.A. No. 12 of 2020. He further submitted that due to order being passed in Execution Application the M.A. No. 12 of 2020 is being shown pending and due to this reason the order under execution could not be processed for compliance. Thus, he submitted that order dated 20.01.2020 passed in Ex. A. No. 56 of 2019 be withdrawn and passed in M.A. No. 12 of 2020 and reasonable time be provided to ensure its compliance.</p> <p>Considering the aforesaid submission and in order to avoid difficulty, if any, in compliance, order dated 20.01.2021 passed in Ex. A. No. 56 of 2019 is withdrawn and ordered to be passed in M.A. No. 12 of 2020. It is clarified that order in M.A. No. 12 of 2020 shall be deemed to have been passed today and respondents shall be liable to pay the cost Rs.20,000/0 if it is not complied with within four weeks from today.</p> <p>Let copy of order be served to Ld. Counsel for the respondents today to ensure compliance.</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)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 96 of 2018

Hibju Rahman

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>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents are present.</p> <p>Due to paucity of time, the case could not be taken up.</p> <p>List on 29.07.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. (A) No. 474 of 2018

Mukesh Kumar Through His wife
Smt Pooja Devi
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>05.07.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents are present.</p> <p>Due to paucity of time, the case could not be taken up.</p> <p>List on 21.09.2021.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

