

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

Ex-A No. 112 of 2017 In re: T.A. No. 1000 of 2010

Smt Kalawati Devi
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Sarvesh Kumar Pandey, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p>The case was taken up in the revised list.</p> <p>This is an application for execution of the order dated 09.02.2017 passed in TA No. 1000 of 2010. Vide order dated 05.10.2017, cost of Rs.25000/- was imposed on the respondents, but even after availing one year's time, the order under execution has not been complied with. Only PPO has been issued and the back wages as well as retiral dues have not been paid. Today again, adjournment is prayed on behalf of the respondents. Subject to payment of costs of Rs.50000/-, the respondents are granted four weeks' time for compliance of the order under execution.</p> <p>Learned counsel for the respondents submits that the back wages are to be calculated and paid by the PCDA (P), Allahabad. They are directed to state on affidavit that back wages are to be paid by the PCDA (P), Allahabad.</p> <p>List this case on 07.09.2018 for orders.</p> <p>Copy of this order be provided to the respondents for its onwards transmission.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex-A No. 104 of 2018 In re: O.A. No. 253 of 2015

Smt Chanchal 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri O.P. Kushwaha, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>It is submitted on behalf of the respondents that family pension was sanctioned in favour of the applicant vide letter dated 14.07.2018 and she was directed to furnish certain documents so that requisite PPO may be issued.</p> <p>Learned counsel for the applicant states that the applicant has not received any such letter. Learned counsel for the applicant is not sure whether the applicant is residing at her permanent address of Chhapra, Bihar or at present living in Lucknow.</p> <p>However, a copy of the aforesaid letter has been provided to the applicant's counsel, who prays for time to furnish the present address of the applicant. In the meantime, the respondents are also directed to send the letter aforesaid again to the applicant alongwith all annexures mentioned therein at the applicant's permanent address, as given in the OA, requiring her to complete all formalities by submitting the necessary documents.</p> <p>List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 1876 of 2016 with M.A. No. 1417 of 2018
M.A. No. 1877 of 2016 In re: T.A. No. 1312 of 2010

Roopa Singh

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Learned counsel for the applicant prays for time to comply with the directions given to him by order dated 09.07.2018.</p> <p>List this case on 10.10.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A. No. 2306 of 2017 with M.A. No. 581 of 2018
In re: O.A. No. Nil of 2017

Mahendra 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents.</p> <p><u>M.A.No. 2306 of 2017</u></p> <p>The matter relates to payment of disability pension, which is a recurring cause of action.</p> <p>Accordingly, this application for condonation of delay is allowed and the delay in filing the OA is condoned.</p> <p>Admit.</p> <p>The respondents are directed to file counter affidavit alongwith all medical documents pertaining to the applicant within four weeks. The applicant may file rejoinder affidavit within two weeks thereafter.</p> <p style="text-align: center;">List this case for hearing on 25.10.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A. No. 953 of 2018 In re: O.A. No. Nil of 2018

Sri Prakash 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Gyan Singh, Ld. Counsel for the respondents.</p> <p><u>M.A.No. 953 of 2018</u></p> <p style="text-align: center;">The matter relates to payment of service pension, which is a recurring cause of action.</p> <p style="text-align: center;">Accordingly, this application for condonation of delay is allowed and the delay in filing the OA is condoned.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">The respondents are directed to file counter affidavit within four weeks. The applicant may file rejoinder affidavit within two weeks thereafter.</p> <p style="text-align: center;">List this case for hearing on 25.10.2018.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

Ex-A No. 192 of 2017 In re: O.A. No. 249 of 2016

Samser Singh
(Through his wife Smt Prabeena 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri D.S. Tiwari, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant submits that in pursuance of the earlier order, details of the joint account have been furnished and a copy of the same has been filed alongwith supplementary affidavit. It is submitted that RSMB of the applicant has also been conducted. However, details of the same have not been brought on record by the respondents.</p> <p style="text-align: center;">List this case on 11.10.2018 to enable the respondents to file the outcome of RSMB.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 109 of 2014

Mukesh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents, list this case on 29.08.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

O.A. No. 182 of 2017

Neeraj Bhatt
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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As prayed, list this case on 09.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 607 of 2017

Umesh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents. Heard learned counsel for the parties. Arguments concluded. Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 706 of 2017

Kishore Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Shyam Singh, Ld. Counsel for the respondents. Case called out. None is present on behalf of the applicant. However, in the interest of justice, the case is adjourned. List this case on 17.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

T.A. No. 40 of 2009

Sushil Singh
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Ms Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>The case was taken up in the revised list. None appeared on behalf of the applicant. This petition was filed on 05.04.2007 in the Hon'ble Allahabad High Court and was transferred to this Tribunal in the year 2009. It is one of the oldest cases pending in this Tribunal.</p> <p>In this case, after availing several dates, the rejoinder affidavit was filed. It transpires from a perusal of the record that whenever the case was listed, on one or the other ground learned counsel for the applicant has been seeking adjournments. However, on the last date, keeping in view the pendency of the case since long, direction was given for early listing of the case with the oral instruction that no further adjournment shall be granted. Accordingly, the case was listed for today, but in spite of that, none has appeared on behalf of the petitioner to press this petition. It appears that learned counsel for the applicant is interested only in getting adjournments and not in arguing the case.</p> <p style="text-align: center;">Accordingly, this TA is dismissed for want of prosecution.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

T.A. No. 50 of 2017

Hari Ram
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Mukesh Kumar, Ld. Counsel for the Petitioner and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is allowed time to produce the original record pertaining to this case.</p> <p>List this case on 25.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

M.A.No. 1319 of 2018
In re:
O.A.No. Nil of 2018

Chandreshwar Mishra
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri A.K.Sahu, Ld. Counsel for the respondents.</p> <p>Controversy relates to the rounding off of disability pension, which is a recurring cause of action.</p> <p>Accordingly, M.A.No. 1319 of 2018 is allowed and the delay in filing the OA is condoned.</p> <p>Admit.</p> <p>It is submitted on behalf of the respondents that they do not intend to file any counter affidavit as it is admitted that the applicant is getting disability pension at the rate of 20%.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

M.A. No. 1490 of 2018 Inre: O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Shiv Raj 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Shyam Singh, Advocate, on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1490 of 2018</u></p> <p>This is application for condonation of delay in filing Original Application for grant of pension of Hony Naib Subedar. Learned counsel for the respondents submits that there is delay of 08 years, 08 months and 06 days in filing the Original Application. He prays for and is granted four weeks' time to file objection on application for condonation of delay. Reply if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p style="text-align: center;">List this case on 09.10.2018 for orders.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>ukt</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

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

M.A. No. 1491 of 2018 Inre: O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Virendra Pal
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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Gyan Singh, Advocate, on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1491 of 2018</u></p> <p>This is application for condonation of delay in filing Original Application for grant of pension of Hony Naib Subedar. Learned counsel for the respondents submits that there is delay of 08 years, 08 months and 06 days in filing the Original Application. He prays for and is granted four weeks' time to file objection on application for condonation of delay. Reply if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 09.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

M.A. No. 1514 of 2018 Inre: O.A. No. Nil of 2018

Ex Sep Ghambir 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh, Advocate, on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri K.K. Misra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1514 of 2018</u></p> <p>This is application for condonation of delay in filing Original Application for grant of disability pension. Learned counsel for the respondents submits that there is delay of 37 years, 02 months and 17days in filing the Original Application. He prays for and is granted four weeks' time to file objection on application for condonation of delay. Reply if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 12.11.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

M.A. No. 1519 of 2018 Inre: O.A. No. Nil of 2018

Ex L Nk Jai Bir Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Bhanu Pratap Singh, Advocate, on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1519 of 2018</u></p> <p>This is application for condonation of delay in filing Original Application for grant of disability pension. Learned counsel for the respondents submits that there is delay of 30 years, 05 months and 10days in filing the Original Application. He prays for and is granted four weeks' time to file objection on application for condonation of delay. Reply if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 12.11.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

M.A. No. 1520 of 2018 Inre: O.A. No. Nil of 2018

Ex Sep Sobran Singh 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Rajiv Pandey, Advocate, on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1520 of 2018</u></p> <p>This is application for condonation of delay in filing Original Application for grant of revised service pension. Learned counsel for the respondents submits that there is delay of 12 years, 01 month and 21days in filing the Original Application. He prays for and is granted four weeks' time to file objection on application for condonation of delay. Reply if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case on 26.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

M.A. No. 1521 of 2018 Inre: O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Sudama 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Anurag Mishra, Advocate, on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1521 of 2018</u></p> <p>This is application for condonation of delay in filing Original Application for grant of revised pension of Hony Naib Subedar. Learned counsel for the respondents submits that there is delay of 12 years, 01 month and 21 days in filing the Original Application. He prays for and is granted four weeks' time to file objection on application for condonation of delay. Reply if any, may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p style="text-align: center;">List this case on 26.10.2018 for orders.</p> <table style="width: 100%; border: none; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p style="text-align: left; margin-top: 10px;">ukt</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

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

M.A. No. 1524 of 2018 Inre: O.A. No. Nil of 2018

Ex Hav Ram Pravesh
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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Adesh Kumar Gupta, Advocate, on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1524 of 2018</u></p> <p>This is application for condonation of delay in filing Original Application for rounding off of disability pension. Learned counsel for the respondents submits that there is delay of 19 years, 01 month and 19 days in filing the Original Application.</p> <p>The reasons given in the affidavit filed in support of the application for condonation of delay seem to be genuine. Application for condonation of delay is allowed and the delay in filing the original application for rounding off of disability pension is condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the applicant submits that the applicant is in receipt of disability pension @ 20% for life and he has prayed for rounding off of disability pension from 20% to 50% but the copy of the PPO has not been filed alongwith Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit bringing on record copy of the PPO. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

O.A. No. 400 of 2018

Smt Mamta Tiwari & anothers
By Legal Practitioner for the Applicant

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate, on behalf of the respondents is taken on record. Office is directed to show his name as learned counsel for the respondents on the date fixed.</p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>O.A. No. 400 of 2018</u></p> <p>By means of this application the applicant, wife of the deceased soldier has prayed for compassionate appointment of her son, Som Nath Tiwari, after 7 years of the death of her husband (Guru Dutt Tiwari). It is submitted by learned counsel for the applicant that son of the applicant has now become major. Hence, she has submitted this application for compassionate appointment.</p> <p>Learned counsel for the applicant prays for and is granted a week's time to show case laws for compassionate appointment.</p> <p>Learned counsel for the respondents submits that copy of the Annexures filed by learned counsel for the applicant is not legible. Learned counsel for the applicant is directed to provide legible copy of the Annexures to learned counsel for the respondents by the date fixed.</p> <p>List this case on 06.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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C.A. No. 07 of 2018 Inre: O.A. No. 689 of 2017

Ex Sub Bijai Bahadur Singh Applicant
By Legal Practitioner for the Applicant

Versus

Sh Sanjay Mitra, IAS
(WB: 82) Defence Secretary Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Salen Xaxa, Departmental Representative for the respondents.</p> <p>This is a Contempt Application filed on behalf of the applicant. Virtually purpose of the applicant is to get the order of this Tribunal dated 15.03.2018 executed. Therefore, the matter is between alledger and the respondents.</p> <p>Learned counsel for the respondents is directed to seek instructions from the authority concerned and explain the reason as to why order of this Tribunal has not been complied with and why notices should not be issued to the respondents for non compliance of order.</p> <p>Learned counsel for the respondents submits that he has not received copy of Contempt Application.</p> <p>Office is directed to provide a copy of Contempt Application to the respondents.</p> <p>List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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C.A. No. 08 of 2018 Inre: O.A. No. 64 of 2018

Ex Sep Adesh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Sh Sanjay Mitra, IAS Respondents
(WB: 82) Defence Secretary & anothers
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents assisted by Maj Salen Xaxa, Departmental Representative for the respondents.</p> <p>This is a Contempt Application filed on behalf of the applicant. Virtually purpose of the applicant is to get the order of this Tribunal dated 18.01.2018 executed. Therefore, the matter is between alledger and the respondents.</p> <p>Learned counsel for the respondents is directed to seek instructions from the authority concerned and explain the reason as to why order of this Tribunal has not been complied with and why notices should not be issued to the respondents for non compliance of order.</p> <p>Learned counsel for the respondents submits that he has not received copy of Contempt Application.</p> <p>Office is directed to provide a copy of Contempt Application to the respondents.</p> <p>List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
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M.A. No. 1515 of 2018 with M.A. No. 1516 of 2018
Along with R.A. No. 46 of 2018 Inre: T.A. No. 1451 of 2010

Union of India & Others Petitioner-
Respondents
By Legal Practitioner for the Petitioner-Respondents

Versus

Ex Lance Dafedar Anil Kumar Respondent-
Petitioners
By Legal Practitioner for Respondent-Petitioners

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Amit Jaiswal, Ld. Counsel for the Petitioner-Respondents.</p> <p style="text-align: center;">This Review Application has been filed by the Petitioner-respondents in pursuance to order of Hon'ble Apex court dated 23.03.2018 passed in Dy No. 7467 of 2018. An application for the execution of the order is still pending.</p> <p style="text-align: center;">List this case on 10.09.2018 alongwith Execution Application No. 133 of 2017 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
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M.A. No. 1522 of 2018 with M.A. No. 1523 of 2018
Inre: O.A. No. 83 of 2018

Union of India & Others Applicant-Respondents
By Legal Practitioner for the Applicant -Respondents

Versus

Hony Nb Sub Bharat Prasad Gupta Respondent-Applicants
By Legal Practitioner for Respondent-Applicants

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Bhanu Pratap Singh, Ld. Counsel for the Applicant-Respondents.</p> <p style="text-align: center;"><u>M.A. No. 1522 of 2018</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 17.04.2018, passed by this Court in O.A. No. 83 of 2018</p> <p>This application has been filed by the applicant after a period of limitation. As per stamp reporter's report, there is delay of 03 months & 03 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly</i></p>

binds everybody including the Government.”

The Hon'ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 1523 of 2018

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the petitioner beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also **rejected**.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

ukt

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

C.A. No. 05 of 2018 Inre: O.A. No. 416 of 2017

Naresh Kumar Verma Applicant
By Legal Practitioner for the Applicant

Versus

Sh Sanjay Mitra, IAS Respondents
(WB: 82) Defence Secretary
South Block, New Delhi
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for adjournment of the case. In the interest of justice, the case is adjourned.</p> <p style="text-align: center;">As prayed, list this case on 28.08.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

Ex-A No. 33 of 2017 Inre: T.A. No. 158 of 2010

Prem Singh

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri K.K.S. Bisht, Ld. Counsel for the petitioner and Shri Amit Sharma, Ld. Counsel for the respondents.</p> <p>Ex.A. No. 33 of 2017</p> <p>This is an application for execution of order of this Tribunal dated 08.09.2016 passed in T.A. No. 158 of 2010 whereby following directions were given to the respondents :-</p> <p><i>“14. The T.A. is accordingly allowed. Order dated 03.10.2008 (Annexure-3 to the T.A.) is set aside. The petitioner shall be paid disability pension alongwith arrears expeditiously, say, within four months from the date a certified copy of this order is produced before the authority concerned. The respondents shall continue to pay disability pension to the petitioner in accordance with rules. In case disability pension and arrears are not paid within the aforesaid period the petitioner shall be entitled to interest @ 10%.”</i></p> <p>This Execution Application is pending since 18.02.2017. On same dates cost has been imposed on respondents. Several opportunities have been granted to the respondents to comply with the order but unfortunately the respondents have not taken any step to execute the order. Today again adjournment is prayed by learned counsel for the respondents, hence, we adjourn the case subject to payment of cost of Rs. 50,000/- which shall be deposited in the registry before the date fixed and shall be paid to the applicant.</p> <p>The respondents are further directed to initiate an inquiry against the officer who is responsible for the delay in execution of order. The specific name of the responsible officer shall be intimated by learned counsel for the respondents by the date fixed.</p>

Learned counsel for the respondents has tried to justify the delay as the ground that review application was filed against the order was dismissed in January 2018. In our opinion this is no ground justifying the delay in execution of order until and unless there was any specific order staying the execution of the order.

Copy of the order be provided to learned counsel for the respondents within 48 hours free of cost.

List this case on **15.10.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

ukt

Form No. 4
{See rule 11(1)}
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Ex-A No. 119 of 2017 Inre: O.A. No. 215 of 2013

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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K. Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that in execution to order dated 31.08.2016, passed in O.A. No. 215 of 2013, PPO has already been issued and copy of the same has been provided to learned counsel for the applicant.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' time to go through it and to file objection, if needed.</p> <p style="text-align: center;">List this case on 05.10.2018 for orders.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>ukt</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
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ORDER SHEET
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Ex-A No. 203 of 2017 Inre: O.A. No. 374 of 2017

Lt Col Rakesh Nandkeolyar (Retd)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 203 of 2017</u></p> <p>This is an application for execution of order dated 30.08.2017 passed in O.A. No. 374 of 2017. By means of this order the applicant was granted disability pension @ 20% for five years which was rounded off to 50% from the date of discharge i.e. 30.09.2000 but the respondents have granted disability pension w.e.f. 01.01.2006 for 5 years.</p> <p>The order of the Tribunal has been misinterpreted by the respondents. Learned counsel for the respondents prays for time to seek instructions and to explain the reasons as to why the benefit of the rounding off of the disability pension has been granted w.e.f. 01.01.2006.</p> <p>On the last date i.e. 11.07.2018, the Tribunal has passed the following order :-</p> <p style="text-align: center;"><i>"It is submitted by learned counsel for the applicant that his PPO has been issued from 2006 and not from 01.10.2000 (date of discharge) as directed by the order under execution. Learned counsel for the respondents has submitted that second PPO has to be issued as RSMB has been completed and the same is under process.</i></p> <p style="text-align: center;"><i>Learned counsel for the respondents pray for and is granted four weeks' time to seek instructions and to file compliance report regarding the issuance of initial PPO after discharge & corrigendum PPO after RSMB."</i></p> <p>It is very sorry state of affair on part of the respondents. In spite of granting time, no step to comply the order has been taken by the</p>

respondents but further praying for time to seek instructions for issuance of corrigendum PPO. In the letter dated 17.11.2017, there is an apparent error in interpretation of the order under execution and the respondents.

We grant last opportunity to respondents to seek instructions and comply the order under execution failing which respondents shall have to pay cost of Rs. 20,000/- which shall be deposited in the Registry and shall be paid to the applicant.

Copy of this order be provided to learned counsel for the respondents within 48 hours.

List this case on **16.10.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

ukt

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Col R.N. Singh (Retd), Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that in execution of order of this Tribunal dated 26.09.2017 passed in O.A. No 189 of 2010, Govt sanction has been issued on 11.07.2018 and PPO shall be issued within a short time.</p> <p style="text-align: center;">List this case on 17.10.2018 for orders.</p> <table style="width: 100%;"><tr><td style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>ukt</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

Form No. 4
{See rule 11(1)}
ORDER SHEET
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Ex-A No. 55 of 2018 Inre: O.A. No. 316 of 2016

Jitender 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>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents.</p> <p>On 25.07.2018 following order was passed:-</p> <p><i>“Even today, neither the cost has been deposited nor the order has been complied with by the learned counsel for the respondents and further adjournment has been prayed.</i></p> <p><i>Four weeks' further time is granted to the learned counsel for the respondents to file compliance report, subject to payment of additional cost of Rs.s 15,000/- which must be deposited in the Registry by the date fixed and the same shall be paid to the applicant.</i></p> <p>Neither the cost has been deposited nor the order has been complied with. Today again, adjournment is prayed on behalf of the respondents. It is admitted that the requisite sanction has not been issued.</p> <p>Learned counsel for the respondents submits that he will deposit the cost of Rs 15,000/- within two days. The cost shall be paid to the applicant through cheque.</p> <p>We adjourn the case subject to payment of additional cost of Rs 35,000/- which must be deposited in the Registry by the date fixed and the same shall be paid to the applicant.</p> <p>List this case on 22.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
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Ex-A No. 69 of 2018 Inre: T.A. No. 14 of 2017

Jai Ram Pal

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri P.K. Shukla, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that in compliance of the order of this Tribunal dated 25.09.2017 passed in T.A. No 14 of 2017, petitioner was given a letter directing him to give his bank details but the same has not been given.</p> <p style="text-align: center;">Learned counsel for the petitioner submits that the petitioner has not received any such letter. Admittedly, it is fault on part of the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents is directed to show by what means the letter was sent to the petitioner and whether it was served to the petitioner or not.</p> <p style="text-align: center;">Learned counsel for the petitioner is directed to provide the Bank details of the petitioner to learned counsel for the respondents before the date fixed.</p> <p style="text-align: center;">List this case on 10.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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Ex-A No. 77 of 2018 Inre: T.A. No. 74 of 2016

Smt Kaushalya Devi & Ors

By Legal Practitioner for the Petitioner

Petitioners

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Ashok Singh, Ld. Counsel for the Petitioners and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents submits that order of this Tribunal has been executed and the PPO has been issued. Copy of the PPO has been provided to learned counsel for the petitioner who prays for and is granted four weeks' time to go through it and file objection, if any.</p> <p style="text-align: center;">List this case on 06.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

Ex-A No. 85 of 2018 Inre: O.A. No. 255 of 2015

Kishan Kumar

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
	<p><u>27.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that in pursuance to order of this Tribunal dated 08.12.2017 passed in O.A. No 255 of 2015, re-mustering test has been completed.</p> <p style="text-align: center;">Since more than 1,000 candidates have appeared in the test, therefore preparation of final result shall take some time. He prays for and is granted four week time to comply the order.</p> <p style="text-align: center;">List this case on 23.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

Court No. 1

O.A. No. 266 of 2012

Subhash Chand
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">O.A.No. 266 of 2012 (Subhash Chand vs. Union of India & others) is partly allowed.</p> <p style="text-align: center;">For orders, see our order of date passed on the separate sheets.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

Court No. 1

T.A. No. 12 of 2016

Tohid Ahmad
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">T.A.No. 12 of 2016 (Tohid Ahmad vs. Union of India & others) is dismissed.</p> <p style="text-align: center;">For orders, see our order of date passed on the separate sheets.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

O.A. No. 109 of 2014

Mukesh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Col R.N. Singh (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Heard the learned counsel for the parties. Arguments concluded. Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 220 of 2016

Radhey Shyam
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri S.K. Singh, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents.</p> <p>Controversy involved in this case is regarding recovery of the amount paid to the applicant. On the last date the respondents were directed that one responsible officer, each from the Record Office and also from PAO (OR), Rajput Regiment, Fatehgarh shall remain present in the Tribunal to assist the Court. Concerned persons are present today in the Court. They have alleged that the applicant has got Part-II order published illegally and on the basis of same he is claiming benefit.</p> <p>Learned counsel for the applicant has refuted this allegation. He submits that he may be given time to discuss the matter with the aforesaid officers of PAO (OR) and Record Office so that the controversy may be resolved amicably.</p> <p>List this case on 10.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 262 of 2017

Sub Sanjay Kumar Kushwaha
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri S.K. Singh, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents.</p> <p>In this case the execution of the policy dated 26.03.2010 is in question. It is pleaded on behalf of the respondents in the counter affidavit that after 2011 they have not given benefit of waiver to any Subedar under the aforementioned policy and the applicant was informed accordingly. However, they are silent on the point whether the benefit of said policy has been given to any person in 2011 or not. The respondents have issued a letter of clarification dated 23.05.2017.</p> <p>Keeping in view the final controversy involved in this case, we hereby direct the respondents to seek instructions and to file a supplementary affidavit, explaining as to whether they have granted benefit of the policy dated 26.03.2010 to any other person for promotion from the rank of Subedar to Subedar Major before 2011.</p> <p>List this case on 24.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 423 of 2017

Shiv Kumar 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>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Ms Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>In this case while deciding the second statutory appeal of the applicant, he was granted disability pension @ 30% for 2 years, making it admissible three years prior to the filing of second appeal w.e.f. 31.08.2005. The prayer of the applicant is that he should be granted disability pension w.e.f. 12.08.1976. Learned counsel for the applicant prays for and is granted time to file copy of the first appeal and order passed by the competent authority on the said appeal by way of an affidavit.</p> <p>List this case on 11.09.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 460 of 2017

Bhagwat Prasad Lal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Parijaat Belaura, Advocate holding brief of Shri Arun Kumar Pandey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel appearing on behalf of the applicant has made a prayer for adjournment of the case.</p> <p style="text-align: center;">List this case on 26.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

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

O.A. No. 659 of 2017

Mansa 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>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri P.K. Shukla, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

O.A. No. 64 of 2018

Adesh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Advocate holding brief of Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Learned counsel appearing on behalf of the applicant prays for and is granted adjournment.</p> <p>List this case on 24.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

T.A. No. 349 of 2010 with M.A. No. 664 of 2018

Ramayan Mishra By Legal Practitioner for the Petitioner	Petitioner
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.A. Singh, Ld. Counsel for the petitioner and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted time to produce the original record pertaining to this case.</p> <p style="text-align: center;">List this case on 04.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

T.A. No. 06 of 2013

Zamir Ahmad
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: CI R.N. Singh (Retd), Ld. Counsel for the petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p>During the course of hearing learned counsel for the applicant has pointed out that sub clause (2A) of the Army Rules, 1954 came in existence w.e.f. 06.12.1993 and the certificate pasted on the proceedings of Summary Court Martial bears the same language, which is used in Rule 115 (2A). It is submitted that there was no occasion to give this certificate contained in Rule 115(2A) because SCM was conducted in 1990 while the aforementioned sub clause was introduced in the year 1993.</p> <p>Learned counsel for the respondents prays for and is granted time to verify the record.</p> <p>List this case on 04.10.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

M.A No. 1440 of 2018 In re: O.A. No. Nil of 2018

Sgt Rohitash Kumar Sharma (Retd)
Applicant In Person

In Person

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Kaushik Chatterji, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: The applicant in person and Shri Kaushik Chatterji, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1440 of 2018</u></p> <p style="text-align: center;">This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 02 years, 02 months & 06 days in filing the Original Application.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: center;">List this case on 01.11.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 1536 of 2018 Inre: O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Ram Sagar Singh & another By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1536 of 2018</u></p> <p style="text-align: center;">This is an application for condonation of delay filed by the applicant for grant of revised pension of Hony Naib Subedar. As per office report, it is delayed by 12 years, 01 month & 22 days in filing the Original Application.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: center;">List this case on 02.11.2018 for orders.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>SB</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

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

M.A No. 1537 of 2018 Inre: O.A. No. Nil of 2018

**Ex Hav 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>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri G.S. Sikarwar, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri J.N. Mishra, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1537 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 03 months & 19 days in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 03.10.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

M.A No. 1538 of 2018 Inre: O.A. No. Nil of 2018

Ex Nk Om Prakash Singh By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri D.K. Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Ashok Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1538 of 2018</u></p> <p style="text-align: center;">This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 08 months & 26 days in filing the Original Application.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: center;">List this case on 04.10.2018 for orders.</p> <table style="width: 100%; border: none; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>SB</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

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

Ex-A No. 165 of 2018 In re: O.A. No. 538 of 2017

Smt Asgari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Mohd Zafar Khan, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Amit Kumar, Advocate holding brief of Shri B.B. Tripathi, Ld. Counsel for the applicant and Mohd Zafar Khan, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>Ex-A No. 165 of 2018</u></p> <p style="text-align: center;">This is an application filed by the petitioner for execution of order dated 17.11.2017 passed in O.A. No. 538 of 2017 whereby the directions were issued to the respondents to dispose of the pending representation of the applicant within a period of three months.</p> <p style="text-align: center;">Learned counsel for the respondents submits that said representation of the applicant has already been decided vide letter dated 28.02.2018. Learned counsel for the respondents is directed to provide a copy of the letter to learned counsel for the applicant in the Court itself.</p> <p style="text-align: center;">Since order under execution has been complied with, this Execution Application has been rendered infructuous and is hereby disposed of finally.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

Ex-A No. 166 of 2018 In re: O.A. No. 662 of 2017

Ex Hav (Hony Nb Sub) Vijay Bahadur Rai By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Ashish Saxena, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Amit Kumar, Advocate holding brief of Shri B.B. Tripathi, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 166 of 2018</u></p> <p style="text-align: center;">This is an application filed by the applicant for execution of order dated 16.03.2018 passed in O.A. No. 662 of 2017.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with.</p> <p style="text-align: center;">List this case on 04.10.2018 for orders.</p> <table border="0" style="width: 100%;"><tr><td style="width: 50%; text-align: center;">(Air Marshal BBP Sinha) Member (A)</td><td style="width: 50%; text-align: center;">(Justice S.V.S. Rathore) Member (J)</td></tr></table> <p>SB</p>	(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)
(Air Marshal BBP Sinha) Member (A)	(Justice S.V.S. Rathore) Member (J)		

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

M.A No. 1501 of 2018 with M.A. No. 1502 of 2018
In re: T.A. No. 1300 of 2010

Arun Kumar
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Parijaat Belaura, Advocate holding brief of Col A.K. Srivastava (Retd), Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1501 & 1502 of 2018</u></p> <p style="text-align: center;">This is an application for condonation of delay filed by the petitioner in filing recall application. As per office report, it is delayed by 05 years, 04 months & 18 days in filing Recall Application.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay in filing Recall Application. Replication, if any, may be filed by the learned counsel for the petitioner within two weeks' thereafter.</p> <p style="text-align: center;">List this case on 08.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

M.A. No. 1532 of 2018 with M.A. No. 1533 of 2018
Inre: O.A. No. 701 of 2017

Union of India & Others Applicant-Respondents
By Legal Practitioner for the Applicant-Respondents
Versus
Ex Sigmn Lal Bahadur Patel Respondent-Applicant
By Legal Practitioner for Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Ms. Appoli Srivastava, Ld. Counsel for the applicant-respondents and Shri Parijaat Belaura, Advocate holding brief of Col A.K. Srivastava, Ld. Counsel for the respondent-applicant.</p> <p><u>M.A. No. 1532 of 2018</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 09.05.2018, passed by this Court in O.A. No. 701 of 2017.</p> <p>This application has been filed by the applicant-respondents after a period of limitation. As per stamp reporter's report, there is delay of 02 months & 17 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p>

The Hon'ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 1533 of 2018

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant-respondents beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also rejected.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

SB

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

M.A. No. 1540 of 2018 with M.A. No.1541 of 2018
Inre: O.A. No. 16 of 2017

Union of India & Others
By Legal Practitioner for the Applicant-Respondents
Versus

Applicant-Respondents

Ex Gnr Kulbhushan Dwivedi
By Legal Practitioner for Respondent-Applicant

Respondent-Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rajiv Pandey, Ld. Counsel for the applicant-respondents.</p> <p style="text-align: center;"><u>M.A. No. 1540 of 2018</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 02.02.2018, passed by this Court in O.A. No. 16 of 2017.</p> <p>This application has been filed by the applicant-respondents after a period of limitation. As per stamp reporter's report, there is delay of 05 months & 23 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in <i>Office of the Chief Post Master General and others vs Living Media India Ltd</i> and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation</i></p>

undoubtedly binds everybody including the Government.”

The Hon’ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon’ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 1541 of 2018

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant-respondents beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also rejected.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

SB

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

M.A.No. 128 of 2018 alongwith R.A. No. 15 of 2018
In re: O.A.No. 376 of 2017

Rama Kant

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>It has been brought to our notice by the Registry that on 09.08.2018, M.A.No.128 of 2018 alongwith R.A.No. 15 of 2018 was listed for orders. Virtually this application was moved by the applicant for correction of the order dated 30.08.2017, by means of which OA No. 376 of 2017 was finally disposed of. Vide order dated 09.08.2018, M.A. No. 128 of 2018 was disposed of inadvertently treating it as Review Application while Review Application No. 15 of 2018 moved for review of the order dated 30.08.2017 had already been rejected by the Tribunal on 27.02.2018. M.A. No. 128 of 2018 was, thus, wrongly treated as Review Application.</p> <p>Let this matter be listed on 31.08.2018 for necessary orders and correction in the order dated 09.08.2018. Parties be informed.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>LN/-</p>

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

O.A. No. 199 of 2018

Harish Chandra Mishra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>O.A. No. 199 of 2018, Harish Chandra Mishra vs. Union of India and others is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>ukt</p>

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

O.A. No. 409 of 2018

Lt Col Chetan Kumar Singh(Retd)
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">O.A. No. 409 of 2018, Lt Col Chetan Kumar Singh (Retd) vs. Union of India and others is allowed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) 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

O.A. No 408 of 2018

Col Ravinder Singh, 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Dr. Shailendra Sharma Atal on behalf of the respondents is taken on record. His name shall be shown in the cause list when the case is listed next.</p> <p style="text-align: center;">Present: Shri Anand Yadav, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p>

Ld. Counsel for the respondents has pointed out that the applicant has not challenged the statutory petition dated 11.12.2017 in his prayer clause.

Learned counsel for the applicant submits that his senior Shri SG Singh is not available today and prays for adjournment of the case. Accordingly, the case is adjourned

List this case on **04.10.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

ukt

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

O.A. No 410 of 2018

Sub/DT Prasant Kumar Sahoo
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Vinay Pandey, Advocate, holding brief of Shri VA Singh, Ld. Counsel for the applicant and Mrs Appoli Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Shri Vinay Pandey, submits that learned counsel for the applicant is not available today and prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 05.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

Ex A No 116 of 2017 inre O.A. No 21 of 2013

Pramod 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Vinay Pandey, Advocate, Ld. Counsel for the applicant and Shri Asheesh Agnohotri, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents has informed that the cost of Rs. 10,000/- imposed in terms of order dated 19.07.2018 shall be deposited in the Registry during course of the day. He further submitted that in compliance of order of this Tribunal dated 23.01.2017 passed in O.A. No. 21 of 2013 calculation of payment of back wages of approximately Rs. 18,00000/- has been worked out and requires a little more time to complete the procedural formalities. He prays for and is granted four weeks time to file compliance report.</p> <p>List this case on 05.10.2018 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

Ex A No 43 of 2018 Inre M.A. No 972 of 2017

Shailesh 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Vide order dated 14.08.2018 of this Tribunal, Notices were sent to Respondent No 5 and 6. It is submitted by learned counsel for the applicant that after issuance of Notice, bank has made payment of the pension to the applicant in pursuance of PPO issued in the year 2005. However arrears have not been paid. None is present on behalf of the Bank.</p> <p style="text-align: center;">Let fresh Notice be issued to Respondent No 5 to explain the reasons as to why amount due has not been issued in pursuance to order dated 16.01.2018.</p> <p style="text-align: center;">List this case on 17.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

Ex. A. No 109 of 2018 Inre O.A. No 487 of 2017

Kuber Singh Shakya
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that compliance of order dated 04.01.2018 passed in O.A. No 487 of 2017 is in process. He prays for and is granted four weeks' further time to file compliance report.</p> <p style="text-align: center;">List this case on 05.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

Ex. A. No 110 of 2018 Inre O.A. No 219 of 2015

Kamta Prasad
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that compliance of order dated 09.11.2017 passed in O.A. No 219 of 2015 is in process. He prays for and is granted four weeks' further time to file compliance report.</p> <p style="text-align: center;">List this case on 26.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) 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

Ex A No 124 of 2018 Inre O.A. No 138 of 2018

Govind Sharma

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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Pankaj Kumar shukla, Ld. Counsel for the applicant and shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that compliance of order dated 27.02.2018 passed in O.A. No 138 of 2018 is in process. He prays for and is granted four weeks' further time to file compliance report.</p> <p style="text-align: center;">List this case on 30.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) 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

O.A. No 267 of 2013 with Dy No 1573 of 2018

Kitab 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K. Mishra, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted further two weeks' time to carryout amendment in pursuance to order of this Tribunal dated 13.07.2018.</p> <p style="text-align: center;">List this case on 01.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

OA No 95 of 2017 with M.A. No 665 of 2018 & M.A. No 666 of 2018

Gaganjot Kaur
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K. Mishra, Advocate, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Shri K.K. Mishra, Advocate, submits that He has been engaged by the applicant as learned counsel for the applicant. He submits that he shall file Vakalatnama by the date fixed.</p> <p style="text-align: center;">By means of this application, the applicant has prayed for grant of maintenance allowance. There is judgment of the Chandigarh Bench that</p>

the army authority has no right to grant maintenance allowance.

Learned counsel for the applicant prays for and is granted four weeks' time to go through the said judgment.

List this case on **15.10.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

ukt

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

O.A. No 171 of 2017 with M.A. No 1550 of 2018 & M.A. No 399 of 2018

Smt Poonam 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Shiv Kumar Mishra, father of the applicant and Md Zafar Khan, learned counsel for the respondents.</p> <p>Vide order dated 23.03.2018 the applicant was directed to file affidavit annexing thereto Bank statement of the applicant relating to the year 2012.</p> <p>On behalf of the respondents compliance report has been filed which is taken on record.</p> <p>List this case on 26.10.2018 for orders.</p>

Meanwhile learned counsel for the applicant shall comply with the directions issued by this Tribunal vide order dated 23.03.2018.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

ukt

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

O.A. No 450 of 2017

Suresh 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri KK Misra, Ld. Counsel for the applicant and Shri A.N. Tripathi, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' further time to file rejoinder affidavit.</p> <p style="text-align: center;">List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

O.A. (A) No 420 of 2017

**Mohd Meraj Khan (through wife Smt.
Tarannum Nisha)
By Legal Practitioner for the Applicant**

Applicant

Versus

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms Appoli Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is informed by Ld counsel for the parties that pleadings have been exchanged and the case is ripe for hearing.</p> <p style="text-align: center;">List this case on 22.10.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, Ld Counsel for the respondents shall produce the original record pertaining to the case for perusal of the Bench</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

O.A. (A) No 500 of 2017

Vijai Misra

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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Paarijat Belaura, Advocate holding brief of Col A.K. Srivastava (Retd), Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Shri Paarijat Belaura, Advocate submits that learned counsel for the applicant is not available today and prays for adjournment of the case.</p> <p style="text-align: center;">Accordingly the case is adjourned for the day.</p> <p style="text-align: center;">List this case on 23.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

O.A. No. 86 of 2017

Awadhesh 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Arun Kumar, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents. Heard learned counsel for the parties. Arguments concluded. Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

O.A. No 270 of 2016

Jamuna Prasad 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Manoj Awasthi, Advocate holding brief of Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' further time to bring on record correct policy on age limit for promotion to the rank of Naib Subedar in Territorial Army (TA) in terms of order dated 11.07.2018.</p> <p style="text-align: center;">List this case on 26.10.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original record pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

O.A. No 644 of 2017

Ram Pratap Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for time to go through the record and amend prayer clause of the O.A.</p> <p style="text-align: center;">List this case on 17.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

T.A. No 55 of 2009

Smt Poonam Rana and ors
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Manoj Kumar Singh, Ld. Counsel for the petitioner and Ms Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This T.A. pertains to the year 2009. From perusal of the record, it transpires that on 21.08.2018 order was passed that no further adjournment shall be granted. Today again, learned counsel for the petitioner is praying for adjournment of the case.</p> <p style="text-align: center;">As prayed, learned counsel for the petitioner is granted four weeks' further time to prepare the case subject to payment of cost of Rs. 2,000/- (Rupees two thousand) which shall be deposited in the Registry within two weeks and shall be remitted to the Bar Association Library, Armed Forces Tribunal, Lucknow.</p> <p style="text-align: center;">List this case on 04.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

T.A. No 29 of 2014

Lal Babu Mishra

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rajan Mishra, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p style="text-align: center;">Arguments concluded.</p> <p style="text-align: center;">Judgment is reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

T.A. No 18 of 2017

Shesh Kant

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri OP Kushwaha, Ld. Counsel for the petitioner and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the petitioner prays for adjournment of the case.</p> <p style="text-align: center;">Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 25.10.2018 for hearing.</p> <p style="text-align: center;">In the meantime, learned counsel for the petitioner shall file supplementary affidavit in terms of order dated 08.08.2018.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce the original record pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

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

O.A. No 221 of 2015

Smt Moti 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Manoj Awasthi, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Shri Manoj Awasthi, Advocate prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 12.10.2018 for orders.</p> <p style="text-align: center;">Meanwhile learned counsel for the applicant shall file documents as directed vide order dated 25.04.2018</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>ukt</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
MA No.413 of 2018 with MA No.1013 of 2018
in re: O.A. No NIL of 2018.

Ram Dular 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri</p>

Ashish Kumar Singh, Ld. Counsel for the respondents.

MA No.413 of 2018

This is an application for condonation of delay in filing the O.A. The matter relates to grant of disability pension which involves recurring cause of action. The reasons given in the application for condonation of delay seem to be genuine.

Application for condonation of delay in filing the O.A. is allowed and delay in filing the O.A. is condoned. Objection raised by learned counsel for the respondents is rejected.

Admit.

Let the case be registered as OA.

Learned counsel for the respondents shall file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed by the applicant within two weeks' thereafter.

List this case on **01.11.2018** for orders.

**(Air Marshal BBP Sinha)
Member (A)**

**(Justice S.V.S. Rathore)
Member (J)**

ukt

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

O.A. No. 407 of 2018

Sep Paramveer 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Namit Sharma, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p>1. This Original Application under Section 14 of the Armed Forces Tribunal Act, 2007 has been filed by the applicant with the following prayers:</p> <p style="padding-left: 40px;"><i>“(i) To quash and set aside the impugned order dated 14th August 2018.</i></p> <p style="padding-left: 40px;"><i>(ii) To restrain Respondent Nos.4 and 5 severally and jointly from proceeding any further with the conduct of fresh re-categorisation Medical Board by showing the rank of the applicant as that of a ‘Recruit’.</i></p> <p style="padding-left: 40px;"><i>(iii) To direct Respondent no.4 to return the Identity Card wherein the applicant had been shown as ‘Sepoy’.</i></p> <p style="padding-left: 40px;"><i>(iv) To direct Respondent no.4 to despatch the applicant to 235 Engineer Regiment without any further delay.”</i></p> <p>2. On the point of admission, learned counsel for the respondents has vehemently argued that this O.A. is premature and thus, it cannot be admitted. He has argued that by means of this O.A., the applicant has challenged the letter dated 14th August 2018, which does not in any manner effect the rights of the applicant.</p> <p>3. Per contra, learned counsel for the applicant has argued that the heading of Annexure-1 shows that the discharge of the applicant was in process and the applicant is expected to be discharged as Recruit while he is a regular soldier.</p> <p>4. Before proceeding further, at this stage we would like to reproduce the letter dated 14th August 2018, which reads as under :</p> <p style="text-align: center;">Mil Tele : 6650</p> <p style="text-align: right;">No.1 Training Battalion BEG & Centre Roorkee-247667</p>

40161-25A/46/G(CT)
MI Room
Military Hospital
Rooke-247 667.

DISCH OF LMC PERS

1. Ref this letter No.14022/Med Bd/Re-Act/BOR/2018 dt 09 Aug 2018.
2. No.18011844L Rect/Wldr Paramveer Singh of this bn is hereby directed to report to MI Room of your hosp for getting opinion of splt.
3. This is for your info and an early action requested please.

(Devesh Kumar Arya)
Maj
TrgOffr
For CO.”

5. The aforementioned letter is the impugned order in the present O.A. It does not in any manner affects the rights of the applicant. Simply because the title given “**DISCH OF LMC PERS**” does not mean that the applicant has been discharged. The applicant has only been referred for specialist opinion. Virtually the submission of the learned counsel for the applicant makes it clear that he apprehends that the applicant may be discharged, however, admittedly there is no specific order of discharge till date.

6. We find substance in the submission of the learned counsel for the respondents that this O.A. is premature because by the impugned order the applicant has been referred to specialist opinion only. What would be the opinion of the specialist is only a speculation at this stage. Even if it is presumed that the applicant being in low medical category, is under the process of discharge, even then at this stage, we do not find any ground sufficient to interfere in the matter, because the medical examination of the applicant and the specialist opinion is still awaited. Any decision by the competent authority can be taken in view of the specialist opinion. Therefore, we do not feel it appropriate to interfere in the process of the medical examination of the applicant for the purpose of taking a decision for his retention in Army. At this stage, by the impugned order no decision has been taken by the competent authority affecting the rights of the applicant. Therefore, we are of the view that this O.A. is premature.

7. Accordingly, this O.A. is dismissed as premature.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

PKG

Form No. 4

{See rule 11(1)}

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Ex Hav/Clk Raghvendra Nath Tripathi
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Dinesh Kumar Pandey, Advocate on behalf of the respondents is taken on record.</p> <p>Present: Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1415 of 2018 with M.A. No. 1416 of 2018</u></p> <p>This is an application for condonation of delay in moving the restoration application.</p> <p>The O.A. was dismissed vide order dated 14.09.2010 for non prosecution. Thereafter recall application was moved and that too was dismissed on 24.04.2018 for want of prosecution.</p> <p>Learned counsel for the applicant has moved this restoration application without making any prayer for recall of the order, whereby the earlier recall application was dismissed.</p> <p>Therefore, the application for condonation of delay and the restoration application are misconceived and hereby rejected.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A. No. 1419 of 2018 with M.A. No. 1420 of 2018 Inre: T.A. No. 90 of 2010

Ex Cpl Gurumani V
By Legal Practitioner for the Applicant

Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Saxena, Advocate on behalf of the respondents is taken on record.</p> <p>Present: Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the petitioner and Shri Ashish Saxena, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1419 of 2018 with M.A. No. 1420 of 2018</u></p> <p>This is an application for condonation of delay in moving the restoration application.</p> <p>The T.A. was dismissed vide order dated 14.09.2010 for non prosecution. Thereafter recall application was moved and that too was dismissed on 16.02.2018 for want of prosecution.</p> <p>Learned counsel for the petitioner has moved this restoration application without making any prayer for recall of the order, whereby the earlier recall application was dismissed.</p> <p>Therefore, the application for condonation of delay and the restoration application are misconceived and are hereby rejected.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

M.A No. 1542 of 2018 Inre: T.A. No. 59 of 2011

Ex Nb Sub Hayat Singh Bankoti
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri RC Shukla, Advocate on behalf of the respondents is taken on record.</p> <p>Present: Shri Lalit Kumar, learned counsel for the petitioner and Shri RC Shukla, learned counsel for the respondents.</p> <p><u>M.A No. 1542 of 2018</u></p> <p>1. This is an application for grant of leave to appeal under Section 31 of the Armed Forces Act, 2007 filed by the petitioner.</p> <p>2. Learned counsel for the petitioner has submitted that in Para 2 of the application for grant of leave to appeal, he has mentioned the grounds on the basis of which he is pressing his prayer for grant of leave of appeal. The said grounds reads as under :</p> <p>“(i).....</p> <p>(a) <i>The order of recording the summary of evidence under Rule 22 of the Army rules, 1954 had been passed by the Commanding Officer of the appellant/accused on the directions of the Brigade Commander and not by the Commanding Officer by applying his own mind to the facts and circumstances of the case.</i></p> <p>(b) <i>The order for trying the appellant/accused on the charge of 'murder' had been passed in writing by the Brigade Commander who had no power or authority to pass such order, but the same was binding on the Commanding Officer of the appellant/accused, as the said Brigade Commander was the immediate superior officer of the Commanding Officer.</i></p> <p>(c) <i>The Conveying Authority, without applying its mind to the provisions of Rule 37 of the Army Rules, 1954; ordered the trial of the appellant/accused on the charge of 'murder' whereas the court of inquiry and the summary of evidence which had been sent to him alongwith the application for convening the General Court Martial (GCM) clearly indicated that the firing which took place from the service rifle of the appellant/accused, was purely accidental and the death of L/NK Laxman Prasad and the injuries sustained by the appellant/accused, had been declared to be attributable to military service in the Counter Insurgency Operations (CI Ops).</i></p> <p>(d) <i>The DJAG at HQ 16 Corps had been directed by the superior authorities to assist the Commanding Officer and the General</i></p>

Court Martial to secure the conviction of the appellant/accused on the charge of 'murder.'

(ii).....”

3. Learned counsel for the respondents has argued that the grounds taken by the learned counsel for the applicant for leave to appeal, cannot be considered to be sufficient ground in view of the language of Section 31 of the Armed Forces Tribunal Act, 2007 for grant of leave to appeal. Section 31 of the AFT Act reads as under :

“31. Leave to appeal. —

(1) An appeal to the Supreme Court shall lie with the leave of the Tribunal; and such leave shall not be granted unless it is certified by the Tribunal that a point of law of general public importance is involved in the decision, or it appears to the Supreme Court that the point is one which ought to be considered by that Court.

(2) An application to the Tribunal for leave to appeal to the Supreme Court shall be made within a period of thirty days beginning with the date of the decision of the Tribunal and an application to the Supreme Court for leave shall be made within a period of thirty days beginning with the date on which the application for leave is refused by the Tribunal.

(3) An appeal shall be treated as pending until any application for leave to appeal is disposed of and if leave to appeal is granted, until the appeal is disposed of; and an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it might have been made, but it is not made within that time.”

4. A bare perusal of the aforesaid section makes it clear that in order to grant leave to appeal, a point of law of “general public importance” must be involved. All the grounds that have been mentioned by the learned counsel for the petitioner in his application for grant of leave to appeal, are grounds specifically relating to the case of the individual and cannot be termed, by any stretch of imagination, to be of public importance. Therefore, we do not find it sufficient to grant leave to appeal.

5. Accordingly, the application for grant of leave to appeal is hereby rejected.

(Air Marshal BBP Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

PKG

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

C.A No. 06 of 2018 Inre: O.A. No. 678 of 2017

Ganesh Pandey

Applicant

By Legal Practitioner for the Applicant

Versus

Shri Sanjay Mishra, Defence Secretary, IAS (WB-82) & others Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Vijay Kumar Pandey, Ld. Counsel for the petitioner and Dr Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' time to argue on the point of maintainability of the Contempt Application.</p> <p style="text-align: center;">List this case on 22.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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

Ex-A No. 95 of 2017 Inre: O.A. No. 358 of 2015

Raj 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
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to bring on record the report of the RSMB.</p> <p style="text-align: center;">List this case on 15.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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

Ex-A No. 139 of 2017 Inre: T.A. No. 1283 of 2010

Inderjeet Kumar

By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R. Chandra, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 139 of 2017</u></p> <p style="text-align: center;">This is an application for execution of the order dated 07th April 2017 passed in T.A.No. 1283 of 2010.</p> <p style="text-align: center;">Learned counsel for the respondents submits that requisite PPO has been issued and a copy of the same has been provided to the learned counsel for the petitioner, who admits that the order under execution has been fully complied with.</p> <p style="text-align: center;">Since the order under execution has been fully complied with, hence this Ex. Application has become infructuous and is accordingly dismissed.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A) PKG</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p>

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

Ex-A No. 184 of 2017 Inre: T.A. No. 1364 of 2010

Mohan Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: None is present on behalf of the petitioner. Shri Asheesh Agnihotri, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Learned counsel for the respondents has produced before us a copy of Cheque Slip issued by the Defence Accounts Department, which shows that a sum of Rs.11,758/- has been credited into the account of the petitioner.</p> <p style="text-align: center;">Since the counsel for the petitioner is not present today, list this case on 15.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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

Ex-A No.197 of 2017 with M.A. No. 1556 of 2018
Inre: O.A. No. 157 of 2017

Jevanand 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri O.P. Kushwaha, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents has filed compliance report, which is on record. He submits that the order under execution has been complied with.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to verify whether the order under execution has been fully complied with or not and file objection, if any.</p> <p>List this case on 07.09.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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

Ex-A No. 209 of 2017 Inre: T.A. No. 888 of 2010

Ranbir Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Yash Pal Singh, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As per office report, cost of Rs.15,000/- imposed vide order dated 09.05.2018 has been deposited by the respondents. It is submitted by the learned counsel for the respondents that the Government has already accorded sanction. Time is prayed for filing compliance report.</p> <p style="text-align: center;">List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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

Ex-A No. 108 of 2018 Inre:O.A. No. 150 of 2017

Dharmendra 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
	<p><u>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">An adjournment is prayed on behalf of the respondents to file compliance report.</p> <p style="text-align: center;">Accordingly, the case is passed over for the day.</p> <p style="text-align: center;">List this case on 25.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

M.A No. 1459 of 2018 In re: O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Ram Raj 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Anurag Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri Sanjay Kumar Mishra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1459 of 2018</u></p> <p>By means of this Original Application, the applicant has prayed for grant of revised pension of Hony Naib Subedar. As per office report, application for condonation of delay in filing the Original Application is delayed by 08 years, 07 months & 20 days.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

M.A No. 1460 of 2018 In re: O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Chhatrapati Goswami
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri Sanjay Kumar Mishra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1460 of 2018</u></p> <p style="text-align: center;">By means of this Original Application, the applicant has prayed for grant of revised pension of Hony Naib Subedar. As per office report, application for condonation of delay in filing the Original Application is delayed by 08 years, 07 months & 20 days.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: center;">List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

M.A No. 1461 of 2018 In re: O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Ram Murti
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri Sanjay Kumar Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1461 of 2018</u></p> <p>By means of this Original Application, the applicant has prayed for grant of revised pension of Hony Naib Subedar. As per office report, application for condonation of delay in filing the Original Application is delayed by 08 years, 07 months & 20 days.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 24.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

M.A No. 1544 of 2018 In re: O.A. No. Nil of 2018

Ex Nk Ram Sumiran
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: justify;">Present: None for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1544 of 2018</u></p> <p style="text-align: justify;">By means of this Original Application, the applicant has prayed for rounding off of disability pension. As per office report, application for condonation of delay in filing the Original Application is delayed by 17 years & 28 days.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: justify;">List this case on 25.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

M.A No. 1545 of 2018 In re: O.A. No. Nil of 2018

Ex JWO Kameshwar Pandey
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. S.N. Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri S.P. Tripathi, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1545 of 2018</u></p> <p>By means of this Original Application, the applicant has prayed for grant of disability pension. As per office report, application for condonation of delay in filing the Original Application is delayed by 12 years & 02 days.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 16.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

M.A No. 1546 of 2018 In re: O.A. No. Nil of 2018

Hony Fg Offr Gopal Dwivedi
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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri S.P. Tripathi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1546 of 2018</u></p> <p>By means of this Original Application, the applicant has prayed for grant of disability pension. As per office report, application for condonation of delay in filing the Original Application is delayed by 01 years, 02 months & 21 days.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 09.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

M.A No. 1547 of 2018 In re: O.A. No. Nil of 2018

Samay 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: center;">Present: Shri S.P. Tripathi, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1547 of 2018</u></p> <p style="text-align: center;">By means of this Original Application, the applicant has prayed for grant of ex-serviceman status and medical facilities. As per office report, application for condonation of delay in filing the Original Application is delayed by 08 years, 04 months & 07 days.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: center;">List this case on 15.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

M.A No. 1549 of 2018 In re: O.A. No. Nil of 2018

Ex Nk Atar Singh 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>30.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: justify;">Memo of appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record. Her name be shown as learned counsel for the respondents, when the case is next listed.</p> <p style="text-align: justify;">Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1549 of 2018</u></p> <p style="text-align: justify;">By means of this Original Application, the applicant has prayed for rounding off of disability pension. As per office report, application for condonation of delay in filing the Original Application is delayed by 10 years, 11 months & 05 days.</p> <p style="text-align: justify;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: justify;">List this case on 17.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 285 of 2013

Smt Sunita 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
	<p><u>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">In this case, learned counsel for the applicant is seeking adjournment for the last five dates. Today, learned counsel for the applicant submits that he could not seek instructions from his client and prays that the matter be dispose of finally on the next date.</p> <p style="text-align: center;">As prayed by learned counsel for the applicant, adjournment is granted with the condition that no further adjournment will be entertained.</p> <p style="text-align: center;">List this case on 03.10.2018 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 17 of 2016

Rajender Singh Bisht
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>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K.S. Bisht, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by learned counsel for the applicant that pleadings have been exchanged and the case is ripe for hearing.</p> <p style="text-align: center;">List this case on 26.10.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original record pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 212 of 2016

Smt Vinod

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>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Vishnu Dev Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for adjournment. As prayed, the case is adjourned for the day. It is made clear that no further adjournment shall be granted on the next day.</p> <p style="text-align: center;">List this case on 25.10.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original record pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 507 of 2017

Prashant Kumar

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. C.N. Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks time to file rejoinder affidavit.</p> <p style="text-align: center;">Learned counsel for the applicant is also directed to file case laws or medical authority in support of his contention in terms of earlier order dated 19.07.2018.</p> <p style="text-align: center;">List this case on 24.10.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original record pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 520 of 2017

Smt Krishna Thapa 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>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Dr. Ashish Asthana, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the respondents submits that he shall file counter affidavit in the Registry during the course of day after providing a copy to learned counsel for the applicant.</p> <p style="text-align: center;">Rejoinder affidavit, if any, may be filed by learned counsel for the applicant by the date fixed.</p> <p style="text-align: center;">List this case on 17.10.2018 for orders before Registrar Court.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 526 of 2017

Smt Radha 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
	<p><u>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K.S. Bisht, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks further time to file rejoinder affidavit.</p> <p style="text-align: center;">List this case on 15.10.2018 for orders before Registrar Court.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 10 of 2018

YPS Chauhan

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>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri S.K. Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant submits that he shall file rejoinder affidavit in the Registry during the course of day after providing a copy of the same to learned counsel for the respondents.</p> <p style="text-align: center;">List this case on 30.10.2018 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original record pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 130 of 2018 Inre: O.A. No. Nil of 2018

Devendra Kumar Verma
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>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Ms Kavita Singh, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 130 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 10 years, 10 months & 15 days in filing the Original Application.</p> <p>Reasons shown in the affidavit filed in support of the application for condonation of delay seem to be sufficient. Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned. Objection raised by the respondents is rejected.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, to be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 23.10.2018 for orders before Registrar Court.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 954 of 2018 Inre: O.A. No. Nil of 2018

Bashistha 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>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 954 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of pension of Hony Naib Subedar. As per office report, it is delayed by 08 years, 02 months & 24 days in filing the Original Application.</p> <p>Reasons shown in the affidavit filed in support of the application for condonation of delay seem to be sufficient. Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned. Objection raised by the respondents is rejected.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, to be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 23.10.2018 for orders before Registrar Court.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 254 of 2014

T.S. Negi
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>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Col R.N. Singh (Retd), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. Heard the learned counsel for the parties. Arguments concluded. Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>JPT</p>

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

T.A. No. 16 of 2015

Kamal Singh Bhadoria
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.08.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K.S. Bisht, Ld. Counsel for the petitioner and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents. Heard the learned counsel for the parties. Arguments concluded. Judgment reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

