

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

M.A. No. 1864 of 2018 with M.A.No. 1865

Inre : O.A. No. 49 of 2014 Inre : M.A. No. 101 and 102 of 2018

Ex. Sep Mahendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown in the cause list when the case is listed next.</p> <p>Present: Col. B.P. Singh (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld counsel for the respondents.</p> <p>The Ld. Counsel for the applicant is directed to satisfy whether this Tribunal has power to condone the delay in moving the recall application which has been moved beyond the prescribed period of limitation, because, as per provision under Rule 16(2) of the Armed Forces Tribunal (Procedure) Rules, 2008 the period for moving the recall application is thirty days and there is no provision to condone the delay.</p> <p>List 30.01.2019 for hearing on application for condonation of delay.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A. No. 1866 of 2018 with M.A.No. 1867
Inre : T.A. No. 596 of 2010 Inre : M.A. No. 2207 and 102 of 2017

Uday Veer Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p>15.11.2018 <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>Present: Col. B.P. Singh (Retd.), Ld. Counsel for the applicant and Shri Ashish Sxena, Ld counsel for the respondents.</p> <p>The Ld. Counsel for the applicant is directed to satisfy whether this Tribunal has power to condone the delay in moving the recall application which has been moved beyond the prescribed period of limitation, because, as per provision under Rule 16(2) of the Armed Forces Tribunal (Procedure) Rules, 2008 the period for moving the recall application is thirty days and there is no provision to condone the delay.</p> <p>List 30.01.2019 for hearing on application for condonation of delay.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

M.A. 1050 of 2018 Inre : O.A. No. (Nil) of 2018

Jamuna Prasad
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

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Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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>Present: Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld counsel for the respondents.</p> <p><u>M.A. No. 1050 of 2018</u></p> <p>The Ld. Counsel for the applicant is not aware of the prayer made in the application. His submission is that his statutory appeal, which is delayed by 17 years, be directed to be decided. However, there is no such prayer in the prayer clause of the Original Application.</p> <p>Ld. Counsel for the applicant prays for adjournment for better preparation of the case.</p> <p>List on 04.01.2019 for hearing on application for condonation of delay.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</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

M.A. No. 1233 of 2018 Inre : O.A. No. (Nil) of 2018

Raju
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

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Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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;">Present: Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld counsel for the respondents.</p> <p><u>M.A. No. 1233 of 2018</u></p> <p>This is an application for condonation of delay in moving the Original Application. As per office report it is delayed by one year, four months and three days.</p> <p>The grounds shown for condonation of delay seem to be sufficient. This matter pertains to the payment of disability pension, which is a recurring cause of action. Hence, application for condonation of delay is allowed.</p> <p>Admit.</p> <p>Let the case be registered as Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed by the Ld. Counsel for the applicant within a period of two weeks thereafter.</p> <p>List on 07.01.2019 for completion of pleadings before the Registrar.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</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

**M.A. No. 1589 of 2018 Inre : M.A. No. 2247 of 2017 and
M.A. No. 2248 of 2017 Inre : T.A. No. 1053 of 2010**

Smt. Kalawati Devi W/o Late pitamber Datt Nainwal Applicant
By Legal Practitioner for the Applicant

Versus

Chief of Army Staff and others Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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;">Present: Shri S.K. Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld counsel for the respondents.</p> <p style="text-align: center;">It has been admitted by the Ld. Counsel applicant that the cost has not been deposited and the same shall be deposited by him during course of the day.</p> <p style="text-align: center;">List on 12.12.2018 for order.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore) Member (A) Member (J) (AKD/JPT)</p> |

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

M.A. No. 1590 of 2018 Inre : O.A. No. (Nil) of 2018

Kamal Singh Ghugatyal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

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Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>15.11.2018</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>Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld counsel for the respondents.</p> <p>It has been informed by the Ld. Counsel for the respondents that he shall provide the copy of objection on the application for condonation of delay to the Ld. Counsel for the applicant during the course of the day.</p> <p>List on 24.12.2018 for order.</p> <p>Meanwhile replication, if any, may be filed by the applicant.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

M.A. No. 1808 of 2018 Inre : Ex.A. No. 1 of 2016
Inre : T.A. No. 1188 of 2010

Ex. ME – II Vijay Kumar Rathi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

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Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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;">Present: Rohit Kumar, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld counsel for the respondents.</p> <p><u>M.A. NO. 1808 of 2018</u></p> <p>This is an application for recall of order dated 28.07.2016. In this case Transferred No. 1188 of 2010 was decided in favour of the applicant vide this Tribunal's order dated 23.09.2015. Thereafter, an application for execution was moved and Tribunal passed the following order on 28.07.2016 :-</p> <p style="text-align: center;"><i>“On call of the case, learned counsel for the respondents, on the basis of instructions, states that judgment under execution passed in T.A. No.1188 of 2010 on 23.09.2015 whereby it was directed that the applicant be granted disability pension @20% for 2 years and Review medical Board for reassessing the medical condition of the applicant for further entitlement of disability pension be carried out, has already been complied with. Necessary PPO has been issued and the case has been referred to Comdt base Hospital Delhi Cantt for reassessing the medical condition of the applicant. Copy of the PPO and letter dated 30.06.2016 is placed on record.</i></p> <p style="text-align: center;"><i>Since the judgment and order of this Tribunal has been fully complied with, this execution application has become infructuous and accordingly, it is disposed of.”</i></p> <p>This is an application for recall of the aforesaid order on the ground that the applicant is not getting regular pension as in pursuance of the said PPO applicant has received an amount of Rs.10,355.00 on 10.06.2016 and thereafter Rs.1.00 per month was received till November, 2017.</p> <p>In view of above, the order dated 28.07.2016 passed in Execution Application No. 01 of 2016 (Inre : T.A. No. 1188 of 2010) is recalled. The Execution Application is restored to its original number.</p> <p>Notice on behalf of respondent Nos. 1 to 4 has been received by the</p> |

Central Government Standing Counsel.

Let the notice be issued to Respondent No. 5 returnable at an early date.

List on **03.01.2019** for hearing on execution application.

(Air Marshal B.B.P. Sinha)
Member (A)
(AKD/JPT)

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

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

O.A. No. 311 of 2016

Dinesh Chandra Singh - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>15.11.2018</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>Present: Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that he shall file the Rejoinder Affidavit in the registry during the course of the day.</p> <p>List on 09.01.2019 for hearing.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore) Member (A) Member (J) (AKD/JPT)</p> |

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

O.A. No. 481 of 2017 with M.A. No. 973 of 2018

Laxman Singh - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>15.11.2018</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>Present: Col. R.N. Singh (Retd.), Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld counsel for the respondents.</p> <p>It is admitted by the Ld. Counsel for the parties that the case is ripe for hearing.</p> <p>List on 24.12.2018 for hearing.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

O.A. No. 382 of 2018 with M.A. No.1780 of 2018

Nitesh Rai - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>15.11.2018</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>Present: Shri Yashpal Singh holding brief of Shri Amit Sharma, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld counsel for the respondents.</p> <p>Brief holder appearing on behalf of Ld. Counsel for the applicant prays for adjournment.</p> <p>List on 07.01.2019 for order.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore) Member (A) Member (J) (AKD/JPT)</p> |

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

O.A. No. 423 of 2018

Smt. Monika - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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>Present: Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld counsel for the respondents.</p> <p>Notice has been received on behalf of respondent Nos. 1 to 3 by the Central Government Standing Counsel.</p> <p>Notice has yet not been served on respondent Nos.4 and 5.</p> <p>Let fresh notices be issued to respondents No. 4 and 5.</p> <p>List on 18.01.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore) Member (A) Member (J) (AKD/JPT)</p> |

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

M.A. 1871 of 2018 Inre : O.A. No. 47 of 2018

Col. Rajnish Kumar Sharma (Retd.) - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Memo of appearance filed by Shri Asheesh Agnihotri, Advocate on behalf of the respondents is taken on record. His name be shown in the cause list when the case is listed next.</p> <p>Present: Shri Prashant Tripathi holding brief of Shri Mayuri Sajwan, Ld. Counsel for the applicant and Shri Asheesh Agnihotri , Ld counsel for the respondents.</p> <p><u>M.A. No. 1871 of 2018</u></p> <p>This is an application for early hearing.</p> <p>The case is listed on 30.11.2018. The Ld. Counsel for the applicant could not show as to what irreparable loss applicant will suffer within a period of fifteen days, if the case is not heard at an early date. Hence, application for early hearing is rejected.</p> <p>List the case on the date already fixed i.e. 30.11.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore) Member (A) Member (J) (AKD/JPT)</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Dy.No. 438 of 2018 Inre : T.A. No. 1257 of 2010

Ex Hav R D Tripathi -

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India and others

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Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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>Power filed by Shri Yashpal Singh, Advocate, on behalf of the petitioner is taken on record. His name be shown in the cause list as Counsel for the petitioner when the case is listed next.</p> <p>Present: Shri Yashpal Singh, Ld. Counsel for the petitioner and Shri Bhanu Pratap Singh, Ld counsel for the respondents.</p> <p>Ld. Counsel for the petitioner prays for adjournment.</p> <p>List on 24.12.2018 for hearing.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Ex.A. No. 53 of 2018 Inre : O.A. No. 231 of 2015

Guptesh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

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Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: Shri S. Chandra, Ld. Counsel for the applicant and Shri Rajiv Pandey , Ld counsel for the respondents.</p> <p>It is informed by the Ld. Counsel for the respondents that the statutory petition of the applicant has been disposed of vide order dated 14.03.2018. He prays for and is allowed two weeks' time for providing copy of said order to the Ld. Counsel for the applicant.</p> <p>The cost imposed earlier shall also be deposited by the next date fixed.</p> <p>List on 04.12.2018 for hearing.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

O.A. No. 183 of 2010

Satish Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

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Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>15.11.2018</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>Present: Shri Ashish Saxena, Ld counsel for the respondents. Case was taken up in the revised list. None appeared on behalf of the applicant. Therefore, restoration application of the applicant is hereby dismissed.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

O.A. No. 214 of 2016

Smt. Rajni Verma -
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: Col. B.P. Singh (Retd.), Ld. Counsel for the applicant and Shri Sunil Sharma, Shri Himanshu Vaish and Shri Alok Saxena, Ld counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that he shall file the Written Arguments/Synopsis of the case during the course of the day. He has provided a copy of the same to the Ld. Counsel for the respondent Nos. 1, 3 and 4.</p> <p>Ld. Counsel for the respondent No. 2 submits that he has not received the copy of Written Arguments/Synopsis.</p> <p>Ld. Counsel for the applicant is directed to provide copy of the Written Arguments/Synopsis to the Ld. Counsel for the respondent No. 2 during the course of the day.</p> <p>On the request of Ld. Counsel for the applicant, list on 31.01.2019 for hearing.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</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

O.A. No. 30 of 2017

P.K. Mahapatra -
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others -
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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;">Present: Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld counsel for the respondents.</p> <p>On the last date the Ld. Counsel for the applicant was directed to bring on record the medical category required for time scale promotion. Today he has produced before us one page of Policy, which is claimed to be the latest policy on the subject. However, the date of issuance of this policy, who has issued this policy is nowhere mentioned in the said page. Therefore, he is directed to bring on record the complete policy on the subject.</p> <p style="text-align: center;">List on 09.01.2019 for hearing.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</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

O.A. No. 36 of 2017 along with O.A. No. 101 of 2017

Venugopal P. & Amit Kumar - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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>Present: Shri R. Chandra holding brief of Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnihotri and Sri Amit Jaiswal, Ld counsel for the respondents.</p> <p>Brief holder appearing on behalf of the Ld. Counsel for the applicant prays for adjournment.</p> <p>List on 11.01.2019 for hearing.</p> <p>(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore) Member (A) Member (J) (AKD/JPT)</p> |

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

O.A. No. 151 of 2017

Manish Shukla - Applicant
By Legal Practitioner for the Applicant

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: Shri Ajit singh Gaherwar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld counsel for the respondents.</p> <p>Ld. Counsel for the applicant prays for adjournment on the ground of non-availability of senior Counsel.</p> <p>List on 14.01.2019 for hearing.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore) Member (A) Member (J) (AKD/JPT)</p> |

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

O.A. No. 296 of 2017

Umesh Chandra Rai
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India and others
By Legal Practitioner for Respondents

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Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: Shri S.G. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld counsel for the respondents. This is a case for grant of disability pension. The medical documents required to decide the case have neither been filed by the Ld. Counsel for the applicant nor by the Ld. Counsel for the respondents. Therefore, respondents are directed to bring on record the documents relating to Medical Board.</p> <p>List on 13.12.2018 for hearing.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</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

O.A. No. 128 of 2016

Harbans Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India and others

-

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>15.11.2018</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>Present: Shri Lalit Kumar, Ld. Counsel for the applicant and Shri A.K. Sahu, Ld counsel for the respondents.</p> <p>As prayed by the Ld. Counsel for the applicant, list on 10.12.2018 for hearing.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

T.A. No. 12 of 2014

Sumont Gupta - Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India and others - Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>15.11.2018</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>Present: Shri Abhishek Singh, Ld. Counsel for the petitioner and Shri Namit Sharma, Ld counsel for the respondents</p> <p>As prayed by the Ld. Counsel for the applicant, list on 18.12.2018 for hearing.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> |

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

T.A. No. 92 of 2016

Alopi Shanker Bajpae - Petitioner
By Legal Practitioner for the Petitioner

Versus

The Commandant Rajput Regimental Centre - Respondents
Fatehgarh and others
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>15.11.2018</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>Present: Shri Pravir Kumar Singh Chauhan, Ld. Counsel for the petitioner and shri D.K. Pandey, Ld counsel for the respondents. Adjournment is prayed on behalf of the petitioner. List on 15.01.2019 for hearing.</p> <p>(Air Marshal B.B.P. Sinha) Member (A) (AKD/JPT)</p> <p>(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

M.A. No. 1824 of 2018 Inre O.A. No. Nil of 2018

Ex Hav Rajesh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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 Yogesh Kesarwani, 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 Bachchan Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1824 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 09 years, 11 months & 29 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 17.12.2018 for orders before Registrar Court.</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. 1856 of 2018 Inre O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Sawaran 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>15.11.2018</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 Ms Deepti P Bajpai, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1856 of 2018</u></p> <p>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 01 year, 05 months & 24 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 18.12.2018 for orders before Registrar Court.</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. 1858 of 2018 Inre O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Raj Pal Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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 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>Present: Shri K.K. Misra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1858 of 2018</u></p> <p>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, 04 months & 11 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 19.12.2018 for orders before Registrar Court.</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. 1859 of 2018 Inre O.A. No. Nil of 2018

Ex Hav (Hony Nb Sub) Mohd Harun Khan

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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. His name be shown as learned counsel for the respondents, when the case is next listed.</p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1859 of 2018</u></p> <p>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 08 years, 10 months & 29 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 19.12.2018 for orders before Registrar Court.</p> <p>(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. 1860 of 2018 Inre O.A. No. Nil of 2018

Ex Rect Puran 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>15.11.2018</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 K.K. Misra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1860 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant challenging his discharge. As per office report, it is delayed by 04 months & 26 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 12.12.2018 for orders before Registrar Court.</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. 1863 of 2018 Inre O.A. No. Nil of 2018

Ex Nk Krishna Dao Sahani

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>15.11.2018</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 V.P.S. Vats, 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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1863 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 04 months & 13 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 12.12.2018 for orders before Registrar Court.</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

O.A. No. 533 of 2018

Ex Nb Sub Dhiraj Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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 K.K. Misra, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p><u>O.A. No. 533 of 2018</u></p> <p>By means of this Original Application, the applicant has prayed for extension of service after retirement.</p> <p>The matter needs adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 04.01.2019 before Registrar Court for exchange of pleadings.</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

EX.A. No. 215 of 2018 Inre T.A. No. 75 of 2011

Ex Swr Ashok Kumar

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>15.11.2018</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. Shesh Narain 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 Bachchan Singh, Ld. Counsel for the petitioner and Dr. Shesh Narain Pandey, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 215 of 2018</u></p> <p>This is an application filed by the petitioner for execution of order dated 04.10.2017 passed in T.A. No. 75 of 2011.</p> <p>Learned counsel for the respondents prays prays for and is granted four weeks time to seek instructions from the authority concerned and to file compliance report</p> <p>List this case on 17.12.2018 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

EX.A. No. 218 of 2018 Inre O.A. No. 224 of 2018 Inre M.A. No. 1344 of 2017

Ram Gopal 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>15.11.2018</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.</p> <p><u>Ex-A No. 218 of 2018</u></p> <p>This is an application filed by the applicant for execution of order dated 23.11.2017 & 26.02.2018 passed in Inre M.A. No. 1344 of 2017 & Inre O.A. No. 224 of 2018.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instructions from the authority concerned and to file compliance report.</p> <p>List this case on 19.12.2018 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

EX.A. No. 219 of 2018 Inre O.A. No. 416 of 2017

Ex Sigmn Naresh Kumar Verma

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>15.11.2018</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 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>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p><u>Ex-A No. 219 of 2018</u></p> <p>This is an application filed by the applicant for execution of order dated 15.11.2017 passed in O.A. No. 416 of 2017.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instructions from the authority concerned and to file compliance report.</p> <p>List this case on 21.12.2018 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. 1861 of 2018 with M.A. No. 1862 of 2018

Inre: O.A. No. 30 of 2018

Union of India & Others

Applicant-respondents

By Legal Practitioner for the Applicant

Versus

Lt Col Harbinder Singh (Retd)

Respondent-applicant

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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 G.S. Sikarwar, Ld. Counsel for the applicant-respondents.</p> <p>Learned counsel for the applicant-respondents has only argued that this application for leave to appeal is barred by time and no question of law of general public importance involved, has been brought in the notice of the Court.</p> <p><u>M.A. No. 1861 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 14.09.2018, passed by this Court in O.A. No. 30 of 2018.</p> <p>This application has been filed by the applicant-respondents after a period of limitation. As per office report, there is delay of 29 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</p> |

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

M.A. No 1862 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, therefore, this application is also rejected.

Accordingly, application for leave to appeal is rejected on the ground of delay as well as on merits.

(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.1872 of 2018 with M.A.No. 1873 of 2018
Inre :O.A. No. 163 of 2015

Union of India & others

By Legal Practitioner for the Applicants

Versus

Lt Col Ray Gautam Prasad

By Legal Practitioner for Respondent

Applicants

Respondent

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>15.11.2018</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>Present: Shri Kaushik Chatterji, learned counsel for the applicants.</p> <p><u>M.A.Nos. 1872 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 19.07.2017 passed by this Court in O.A. No. 163 of 2015.</p> <p>This application has been filed by the applicant-respondents after a period of limitation. As per office report, there is delay of 01 year, 02 months and 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 Apex 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.</p> <p>In view of the decision of the Hon'ble Apex Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.</p> <p><u>M.A. No 1873 of 2018</u></p> <p>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</p> |

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, therefore, this application is also rejected.

Accordingly, application for leave to appeal is rejected on the ground of delay as well as on merits.

(Air Marshal B.B.P. 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

Ex.A. No. 24 of 2017
Inre :T.A. No.93 of 2010

Prayag Singh Parihar
By Legal Practitioner for the Petitioner
Versus

Petitioner

Union of India & others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>15.11.2018</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;">Present: Shri PK Shukla, learned counsel for the petitioner and Dr Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith MCPO Shri Subodh Kumar Pandey, Navy, Mumbai Branch, Mumbai.</p> <p><u>Ex.A. No. 24 of 2017</u></p> <p>This is an application for execution of the order dated 06.04.2016 passed in T.A.No. 93 of 2010.</p> <p>MCPO Shri Subodh Kumar Pandey, Navy, Mumbai Branch, Mumbai is present before us.</p> <p>In this case, PPO has been issued in pursuance of the order under execution, but the objection of the learned counsel for the petitioner is that petitioner is receiving disability pension @20%, while the order under execution was for rounding it off to 50% and the petitioner has to suffer when the respondents will calculate the arrears. Even the service element has also not been correctly calculated.</p> <p>The Departmental Representative submits that the claim of the petitioner has been forwarded to the PCDA, Navy, Mumbai Branch, Mumbai for processing the matter.</p> <p>In view of this, we consider that the respondents have incorrectly submitted to this Tribunal that its order has been complied with. We hereby direct the respondents to ask a Representative of the PCDA, Navy, Mumbai Branch, Mumbai to remain present before the Tribunal on the next date fixed to clarify as to why the orders of Tribunal have not been complied with and why a correct PPO has not been issued.</p> <p>List this case on 14.12.2018 for orders.</p> <p>Let a copy of this order be given to the learned counsel for the respondents within 24 hours free of cost for onward transmission.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore)</p> |

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| | Member (A) | Member (J) |
| | PKG | |

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

Ex.A. No. 138 of 2017
Inre :T.A. No.83 of 2012

Jyoti Prakash Pandey
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

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| Notes of the Registry | <p style="text-align: center;">Orders of the Tribunal</p> <p><u>15.11.2018</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>Present: Shri BN Chaubey, learned counsel for the petitioner and Ms Anju Singh , Ld. Counsel for the respondents.</p> <p><u>Ex.A. No. 138 of 2017</u></p> <p style="text-indent: 40px;">This is an application for execution of the order dated 21st February 2017 passed in T.A.No. 83 of 2012.</p> <p style="text-indent: 40px;">Vide order dated 27.07.2018, we have passed the following order :</p> <p style="text-indent: 40px;"><i>“Learned counsel for the respondents submits that in pursuance of the order under execution, PPO has been issued and a copy of the same has been provided to the petitioner, though after perusal of it, it is submitted that as per the order under execution, pension was to be granted for the first rank held by the petitioner, while the petitioner has been granted pension of Apprentice.</i></p> <p style="text-indent: 40px;"><i>Lt Cdr Chinmoy Sharma, Departmental Representative submits that the pension granted for the rank of Apprentice and SWA 5 is the same. He is directed to clarify the apprehension raised by the learned counsel for the petitioner by means of filing an affidavit.</i></p> <p style="text-indent: 40px;"><i>List this case on 19.09.2018 for orders.”</i></p> <p>It is a very sad state of affairs on the part of the respondents that even after availing four months' time, the said order has not been complied with and the clarification, with regard to whether pension granted for the rank of Apprentice and SWA is the same, is it appropriate to show him as Apprentice in PPO when his last rank held was SWA5, has also not been provided.</p> <p>Today it is submitted on behalf of the respondents that they have not received any instructions from the Department, as the Departmental Representative present on the last date, is suffering from Dengu.</p> <p>We do not find any sufficient reason for the stand of respondents and</p> |
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| | <p>consider it as gross negligence. Therefore, we impose a cost of Rs.20,000/- on the respondents, which shall be paid in the Registry, positively by the date fixed and the same shall be paid to the petitioner through cheque.</p> <p>List this case on 14.12.2018 for orders.</p> <p style="text-align: center;"> (Air Marshal B.B.P. Sinha) Member (A) </p> <p style="text-align: right;"> (Justice S.V.S. Rathore) Member (J) </p> <p>PKG</p> |
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Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

Ex.A. No. 148 of 2017 with M.A.No. 1438 of 2018

Inre :O.A. No.35 of 2016

Jitendra Pratap 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 |
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| | <p><u>15.11.2018</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>Present: Shri PK Shukla, learned counsel for the applicant and Dr Chet Narain Singh, Ld. Counsel for the respondents.</p> <p><u>Ex.A. No. 148 of 2017</u></p> <p>This is an application for execution of the order dated 25.11.2016 passed in O.A.No. 35 of 2016.</p> <p>It is submitted on behalf of the respondents that the PPO has been issued in compliance of the order under execution.</p> <p>Learned counsel for the applicant submits that he shall file objection against the said PPO as the same has not been correctly issued.</p> <p>List this case on 30.11.2018 for orders.</p> <p style="text-align: center;"> (Air Marshal B.B.P. Sinha) Member (A) </p> <p style="text-align: right;"> (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

Ex.A. No. 158 of 2017 with M.A. No 910 of 2018

Inre : T.A. No. 65 of 2016

Sanjay Singh

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

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| Notes of the Registry | Orders of the Tribunal |
| | <p><u>15.11.2018</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>Present: Shri K.S. Pawar, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This execution application has been filed by the petitioner for execution of order dated 22.03.2017 passed in T.A. No 65 of 2016. In the T.A., the following order was passed:-</p> <p><i>"22. The petition deservers to be allowed. Accordingly, the petition is allowed. The impugned order of dismissal dated 26.6.1999, contained in Annexure No. 6 and order dated 23.03.2000, rejecting the statutory appeal of the petitioner, contained in Annexure No. 13 are set aside with all consequential benefits, which will be payable to the petitioner in accordance with the rules. Petitioner shall be treated in service from the date of dismissal and shall be deemed to</i></p> |

be in continuous service for all practical purposes. Let consequential benefits be paid to the petitioner expeditiously, say, within a period of four months from the date of service/communication of the order.”

Thereafter execution application was moved by the applicant for execution of order dated 22.03.2017 which was dismissed by a detailed order dated 05.09.2018 which reads as under:-

*“29. In view of the discussions made above, we are of the considered view that by the order under execution, there was no direction for re-instatement of the petitioner, the petitioner cannot take the benefit of use of the words “notional reinstatement” in the letter dated 07.08.2018 (quoted above), so the petitioner is entitled to all the financial benefits as directed by the Tribunal in the order under execution taking the petitioner to be notionally in service.
30. Therefore, the claim of the petitioner that he is entitled for reinstatement is hereby rejected.
31. We direct the petitioner to furnish the documents, as required by the respondents, within a period of 15 days from today and thereafter the respondents shall ensure payment of his entire dues in pursuance of the order under execution with a period of four weeks thereafter.”*

The said order was assailed by the applicant before Hon'ble Apex Court in Civil Appeal No 9850 of 2018. Vide order dated 08.10.2018 Hon'ble the Apex Court has passed the following order:-

*“Issue notice, returnable in six weeks.
Dasti service, in addition, is also permitted.
In the meantime, the appellant can take the benefits without prejudice to his rights and contentions in the present appeal.”*

As per Hon'ble Apex Court order the petitioner is entitled to get the financial benefits and the question of reinstatement is subjudice. On behalf of the respondents it is submitted that the letter has already been sent to the petitioner to submit following documents to implement the order:-

- (a) Family details (03x copies)*
- (b) IAFY-1948 (Rev 2015) (03x copies)*
- (c) NEFT Mandate Forms Single/Joint A/c (04x copies)*
- (d) Blank cancelled cheque of Single/Joint Account (04x copies)*
- (e) Joint photograph passport size with next of kin (06 copies)*
- (f) Individual's single photograph passport size in civil dress (06 copies)*
- (g) Single photograph passport size of next of kin.*
- (h) Photocopy of aadhar Card, PAN card of applicant and his wife duly countersigned by Zila Sainik Board welfare officer.*
- (j) Email Id and mobile No.*

It is submitted by learned counsel for the respondents that the said letter was forwarded to the petitioner through special courier but the applicant has refused to forward these documents to the respondents. In the absence of requisite documents, applicant's claim cannot be processed.

During the course of hearing, Ld. Counsel for the petitioner submitted that the Hon'ble Apex Court has directed that the petitioner is not required to submit any such documents to the respondents. vide order dated 27.08.2018 Hon'ble the Apex Court has passed the following order:-

"At the same time, we also find that the Tribunal has not taken a final view on the aforesaid plea which is raised by the respondents and, therefore, it may not be appropriate to interfere with the order of the Tribunal at this stage. However, we also find that on 25.07.2018, the appellant was directed to provide all the necessary documents, so that PPO may be issued. Such a plea of the respondents cannot be countenanced to this, particularly, when it is yet to be decided as to whether the appellant should be reinstated in service or not as per the order dated 22.03.2018. Therefore, till the time the aforesaid issue is decided, the appellant would not require to submit any such documents. We also expect the Tribunal to take the final decision on the next date which is fixed on 05.09.2018.

The instant appeal is dismissed."

(underlined by us)

The Hon'ble Apex Court has permitted the petitioner to take financial benefits without prejudice to his rights in accordance with rules and law and by an earlier order has directed that since the question of re-instatement is subjudice, hence the plea of respondents to file papers was held not proper.

In this perspective, we hereby direct the respondents to comply with the orders in view of the order of Hon'ble Apex Court.

As prayed by Ld. Counsel for the petitioner, list the case on 17.01.2019 for orders.

(Air Marshal B.B.P. 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

Ex. A./26 of 2018 Inre T.A. No. 178 of 2009

Sriram Pandey

Petitioner

By Legal Practitioner for the Petitioner

Versus

Defence Secretary, Ministry of

Defence, Govt of India

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
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| | <p><u>15.11.2018</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>Present: Shri Yashpal Singh, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>On 27.07.2018, following order was passed by this Tribunal:-</p> <p><i>"It is submitted on behalf of the respondents that the Government has accorded requisite sanction and PPO has been issued. However, learned counsel for the petitioner submits that till date, the requisite PPO has not been issued. Regarding the RSMB, it has been submitted by the learned counsel for the respondents that letter in this regard has already been sent to the Command Hospital, Lucknow on 27.04.2018 to conduct the RSMB of the petitioner and the date of RSMB shall be communicated to the petitioner by the Military Hospital. Learned Counsel for the petitioner submits that he has not received any communication for conducting the RSMB. Learned counsel for the respondents shall give a specific reply by filing an affidavit by the date fixed whether the RSMB has been conducted or not. It is a very sorry state of affairs on the part of the respondents that even after lapse of one year after the sanction order was passed by the Government, the CDA (P) has not issued the requisite PPO. We, therefore, impose a cost of Rs 15,000/- on the respondents, which shall be paid by the respondents and shall be recovered from the person responsible for the delay in issuing the PPO after receiving the sanction order of the Government. We hereby direct all the agencies to co-operate each other and shall ensure that the RSMB is conducted positively by the next date."</i></p> |

But to date, even after elapse of four months there is absolutely no progress. Ld. Counsel for the respondents has produced a letter issued by Central Command Lucknow dated 08.10.2018 addressed to the applicant which reads as under:-

“Refer to Naval Pension Office C/o INS Tanaji letter Number PEN/600/D/RSMB/2018 dated 30 Jun 2018 and this Hospital letter No 610/MB/2018 dated 11 Aug 2018 and even letter No dated 30 Aug 2018 and 19 Sep 2018.”

You are advised to report to this Hospital on any working day at 0800 hrs along with retired identity card, PPO and other relevant documents for admission and holding your Re-assessment medical board.”

Even in the said letter, date of RSMB has not been given. Learned counsel for the applicant submits that he has not received any information regarding RSMB. He submits that the cost imposed has also not been paid by the respondents. Today, again learned counsel for the respondents has prayed for adjournment of the case. It is also submitted on behalf of the respondents that in the absence of RSMB, PPO cannot be issued.

Ld. Counsel for the respondents has also produced before us a letter dated 14.11.2018 issued by Shri Vivek Srivastava, Senior Accounts Officer (Pension) which reads as under:-

*“ With reference to the above it is stated that in the subject case RSMB is still awaited in this office from the NAVPEN and in absence of the same this office is unable to notify the requisite PPO as per Hon’ble court order.
This office will notify PPO immediately on receipt of the RSMB along with requisite documents from the NAVAL PENSION OFFICE.
So far as cost is concerned, it is requested to take action on your part regarding cost imposed by Hon’ble AFT please.”*

We are surprised by the developments. The original order of AFT dated 27.07.2017 is very clear i.e.:-

- (1) That the disability percentage of 15-19% by IMB is deemed to be 50% in light of law settled by the Hon’ble Supreme Court in the case of *Sukhwinder Singh vs Union of India & Ors* reported in 2014 STPL (Web) 468 SC.
- (2) To pay disability pension w.e.f. 01.01.2005 (three years prior to filing of the petition).
- (3) An RSMB to be done within two months from the date of order.
- (4) Arrears of disability pension @ 50% for two years to be paid within four months.

The above order is about one year and four months' old and has not been complied with. There is no prayer from the respondents to review this order as yet, hence they are duty bound to comply with the order. In this context since the disability pension has been authorized from 01.01.2005 and disability pension has two elements i.e. service element and disability element. We are interested in knowing as to where is the PPO for service element w.e.f. 01.01.2005 and where is the PPO for disability element @ 50% for two years after discharge. Additionally since the applicant is case of Psychiatric ailment i.e. SCHIZOPHRENIA, the respondents have to travel that extra mile to ensure that his RSMB is done smoothly instead of giving lame excuses to justify the delay of over one year in conduct of RSMB. We therefore direct the Record Officer of applicant to ensure tie up on the date of RSMB with concerned Military Hospital and intimate the date to the applicant through special courier. The respondents must ensure that the RSMB is completed within next two months from the date of this order.

In view of aforesaid circumstances, we hereby impose additional cost of Rs. 20,000/- for not complying with the order of this Tribunal. Vide order dated 12.04.2018, order was also passed that officer from PCDA (Navy), Mumbai shall remain present in the Tribunal to explain the reasons as to why the order of this Tribunal has not been complied with. However no responsible officer is present in the Tribunal today and only a Junior Commissioned Officer is present, who is unable to assist the Tribunal. Ld. Counsel for the respondents is directed to deposit a total cost of Rs 35,000/- before the date fixed. It is further made clear that the cost shall subsequently be recovered from the officer who is responsible for delay in making the payment to the applicant.

In view of the above we also hereby direct Sri Vivek Srivastava, Accounts Officer (Pension) to remain present in the Court to explain the reasons as to why the order of this Tribunal has not been complied with by issuing PPO for the period for which the applicant is entitled prior to conduct of fresh RSMB and how a fresh RSMB is relevant to issue of service element PPO w.e.f. 01.01.2005 and issuance of disability PPO for 02 years after discharge.

Let copy of this order be provided to Ld. Counsel for the respondents for onward submission to concerned respondents.

List the case on 14.12.2018 for orders.

(Air Marshal B.B.P. 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

Ex-A/29 of 2018 Inre T.A. No 837 of 2010

Dinesh Singh Kushwaha

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 |
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| | <p><u>15.11.2018</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>Present: Shri R. Chandra, Ld. Counsel for the petitioner and Mohd. Zafar Khan, Ld. Counsel for the respondents.</p> <p>This is an application for execution of order dated 01.10.2015 passed in T.A. No. 837 of 2010. Vide order dated 27.07.2018 we imposed cost of Rs 5,000/- but neither the order has been executed nor the cost has been deposited. Today again adjournment has been prayed on behalf of the respondents.</p> <p>It is submitted by Ld. Counsel for the respondents that in compliance of the order of this Tribunal, Govt sanction was accorded on 01.03.2018 and thereafter they have sent reminders but have not received any instruction towards compliance of the order.</p> <p>In view of the above, we impose an additional cost of Rs 20,000/- which shall be recovered from the officer concerned who is responsible for delaying the payment. It is clarified that respondents shall ensure payment of total cost of Rs 25,000/- by the date fixed.</p> <p>List the case on 14.12.2018 for orders.</p> <p>(Air Marshal B.B.P. 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/41 of 2018 inre O.A. 417 of 2017

Muneesh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Addl DGPS4, DHQ PO, New Delhi

Respondents

By Legal Practitioner for Respondents

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| Notes of the Registry | Orders of the Tribunal |
| | <p><u>15.11.2018</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>Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted a week's further time to comply the order under execution.</p> <p>List the case on 26.11.2018 for orders.</p> <p>(Air Marshal B.B.P. 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/49 of 2018 inre M.A. No. 1657 of 2017

Aftab Alam

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 |
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| | <p><u>15.11.2018</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>Present: Shri R. Chandra, Advocate holding brief of Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents.</p> <p>This is an application for execution of order dated 03.10.2017 passed in M.A. No. 1657 of 2017. Vide order dated 27.07.2018 we directed that representative of PCDA (Navy), Mumbai shall remain present in the Court but even after elapse of four months neither the order has been complied nor the representative aforesaid is present which shows gross negligence on the part of the respondents.</p> <p>Therefore, we impose a cost of Rs 20,000/- on the respondents which shall be deposited in the Registry before the date fixed and shall be released in favour of the applicant through cheque. The cost shall be recovered from the officer concerned who is responsible for delaying the compliance of order..</p> <p>On the date fixed, PCDA (Navy), Mumbai shall remain present in the Court to explain the reasons as to why the order of this Tribunal has not been complied with.</p> <p>List this case on 14.12.2018 for orders.</p> <p>Let copy of this order be provided to Ld. Counsel for the respondents within 24 hrs free of cost for onward transmission to the concerned agency.</p> <p>(Air Marshal B.B.P. 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/56 of 2018 inre O.A. 303 of 2016

Rajiv Tandon

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 |
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| | <p><u>15.11.2018</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>Present: Shri KK Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant prays for and is granted two weeks' time to file objection on PPO issued.</p> <p>List this case on 12.12.2018 for orders.</p> <p>(Air Marshal B.B.P. 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/107 of 2018 inre O.A. No. 100 of 2011

Ajay Kumar Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents informs that order of this Tribunal dated 09.02.2017 has been complied with and the PPO has been issued. He prays for and is granted two weeks' time to provide copy of the PPO to Ld. Counsel for the applicant.</p> <p>List the case on 06.12.2018 for orders.</p> <p>(Air Marshal B.B.P. 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/140 of 2018 inre O.A. 44 of 2017

Hav Shivanand Pandey (Retd)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

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| Notes of the Registry | Orders of the Tribunal |
| | <p><u>15.11.2018</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>Present: Shri R. Chandra, Advocate holding brief of Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents submits that he shall file review application during course of the day.</p> <p>List the case on 10.12.2018 for orders.</p> <p>(Air Marshal B.B.P. 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/143 of 2018 inre O.A. No. 18 of 2014

Gokula Nand Pandey

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: Shri R. Chandra, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents submits that in compliance of the order under execution, necessary documents have been forwarded to PAO (OR) and the PPO shall be issued within two weeks.</p> <p>As prayed by learned counsel for the respondents, list this case on 19.12.2018 for orders.</p> <p>(Air Marshal B.B.P. 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/178 of 2018 inre O.A. No. 342 of 2018

Ex Hav Kali Sahai

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>15.11.2018</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>Present: Shri PK Shukla, Ld. Counsel for the applicant and Ms Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that PPO has been issued but amount calculated and paid by the bank seems to be incorrect. Notice was issued to respondents No 5 and 6 but no one is present on their behalf.</p> <p>Let a fresh notice be issued to respondents No 5 and 6 to remain present in the Court on the date fixed and explain the reasons as to why payment has not been made in accordance with PPO.</p> <p>List this case on 24.12.2018 for orders.</p> <p>(Air Marshal B.B.P. 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/181 of 2018 inre O.A. 100 of 2017

Ex Hav Awadhesh

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>15.11.2018</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>Present: None for the applicant and Ms Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p>In compliance of the order under execution, Ld. Counsel for the respondents has filed copy of the PPO which is taken on record.</p> <p>Since the order under execution has been complied with, this execution application has become infructuous. It is accordingly dismissed with liberty to the applicant to file objection, if any.</p> <p>(Air Marshal B.B.P. 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/182 of 2018 inre O.A. No. 304 of 2016

Ex Hav Keshu Prasad Dubey

Applicants

By Legal Practitioner for the Applicants

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>15.11.2018</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>Present: None for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks' further time to execute the order dated 09.01.2018.</p> <p>List the case on 03.01.2019 for orders.</p> <p>(Air Marshal B.B.P. 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/183 of 2018 inre O.A. No. 12 of 2017

Ex Hav Vidhata Prasad

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: None for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents.</p> <p>In compliance of the order under execution, Ld. Counsel for the respondents has filed copy of the PPO which is taken on record.</p> <p>Since the order under execution has been complied with, this execution application has become infructuous. It is accordingly dismissed with liberty to the applicant to file objection, if any.</p> <p>(Air Marshal B.B.P. 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/193 of 2018 inre O.A. No. 145 of 2013

Satendra Singh Pal

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Ors

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: Shri Bachchan Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents submits that he intends to file review application against the order of this Tribunal dated 19.01.2018.</p> <p>Accordingly, two weeks' time is granted to Ld. Counsel for the respondents to file review application.</p> <p>List the case on 17.12.2018 for orders.</p> <p>(Air Marshal B.B.P. 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

M.A. No. 1155 of 2017 with M.A. No. 1156 of 2017 Inre M.A. No. 1604 of 2016, 1605 of 2016 inre T.A. No. 1285 of 2010

Rakesh Kumar 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>15.11.2018</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>Present: Shri Om Prakash Kushwaha, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the petitioner submits that cost of Rs 1,000/- has been deposited in terms of order dated 27.07.2018.</p> <p>The case is restored on its original number.</p> <p>Pleadings have been exchanged and the case is ripe for hearing.</p> <p>List the case on 05.12.2018 for hearing.</p> <p>On the date fixed learned counsel for the respondents shall produce the original documents pertaining to case for perusal of the Bench.</p> <p>(Air Marshal B.B.P. 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

M.A. No. 1809 of 2017 inre O.A. No. Nil of 2017

Raj Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>15.11.2018</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>Present: Col (Retd) BP Singh, Ld. Counsel for the applicant and Mrs Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1809 of 2017</u></p> <p>This is an application for condonation of delay in filing the original application. Ld. Counsel for the respondents submits that there is delay of more than 10 years in filing the original application. The matter relates to grant of disability pension which is recurring cause of action. Application for condonation of delay in filing the original application is allowed and delay is condoned. Objection raised by Ld. Counsel for the respondents is rejected.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks' time to file counter affidavit to which Ld. Counsel for the applicant may file replication within two weeks' thereafter.</p> <p>List the case on 30.01.2019 for exchange of pleadings in the Registrar Court.</p> <p>(Air Marshal B.B.P. Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>UKT</p> |