

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

**M.A. No. 1102 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Ashok Kumar**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Asheesh Agnihotri, 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 Satendra Kumar Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p><b><u>M.A. No. 1102 of 2018</u></b></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by more than 21 years. Copy of this application has been served upon the learned Standing Counsel for the respondents on 13.04.2018.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection on the delay condonation application. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on <b>18.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>

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

**EX-A. No. 68 of 2018**  
**Inre: T.A. No. 528 of 2010**

**Laxmi Prasad**  
By Legal Practitioner for Petitioner

**Petitioner**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Shri 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>Present: Shri Vikas Kumar Agrawal, learned counsel for the petitioner and Shri Mohd Zafar Khan, learned counsel for the respondents.</p> <p><b><u>EX-A. No. 68 of 2018</u></b></p> <p>This is an Execution Application under Section 29 of the Armed Forces Tribunal Act, 2007 filed by the applicant for non implementation of the judgment and order dated 28<sup>th</sup> August 2017 passed in T.A. No. 528 of 2010.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to seek instruction and show cause as to why the aforesaid order of the Tribunal has not been complied with.</p> <p>List this case on <b>04.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>

**M.A. No. 1094 of 2018**  
**Inre: EX-A. No. 125 of 2017**  
**Inre: EX-A. No. 41 of 2016**  
**Inre: O.A. No. 78 of 2013**

**Shiv Murat Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

Notes of the Registry	Orders of the Tribunal
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></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 Rohit Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><b><u>M.A. No. 1094 of 2018</u></b></p> <p>This is an application for recall of the order dated 04.12.2017 whereby earlier execution application was dismissed as infructuous.</p> <p>It is submitted on behalf of the applicant that payment of back wages, as ordered by this Tribunal in its order under execution, has not yet been paid to the applicant. Therefore, we find sufficient reasons to recall the order.</p> <p>Accordingly, the application is allowed and order dated 04.12.17 is hereby recalled.</p> <p>Respondents are directed to file calculation memo showing that the entire payment has been made to the applicant in pursuance of the order under execution.</p> <p>Let a copy of this order to learned counsel for the respondents free of costs.</p> <p>List this case on <b>05.07.2018</b> for orders.</p> <p style="text-align: center;"><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>

**M.A. No. 1095 of 2018 with M.A. No. 1096 of 2018**  
**Inre: O.A. No. 153 of 2016**

**Union of India & Others**  
By Legal Practitioner for Applicants

**Applicants**

Versus

**Vrajesh Kumar Shankhdhar**  
By Legal Practitioner for Respondent

**Respondent**

Notes of the Registry	Orders of the Tribunal
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri Mohd Zafr Khan, learned counsel for the applicant and Maj Salen Xaxa, Departmental representative.</p> <p><b><u>M.A. No. 1095 of 2018</u></b></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 04.01.2018 passed by this Court in O.A. No. 153 of 2016.</p> <p>As per stamp reporter's report, there is delay of 01 month and 20 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 <b><u>shall</u></b> 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 grant of leave to appeal do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in <b>Office of the Chief Post Master General and others vs Living Media India Ltd and another</b> reported in <b>2012 STPL (LE) 46200 SC</b> 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> <p style="text-align: center;">The Hon'ble Supreme Court further observed as under :</p> <p style="text-align: center;"><i>“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation .....They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.</i></p> <p style="text-align: center;">In view of the decision of the Hon'ble Supreme Court in the</p>

aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

**M.A. No 1096 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 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 B.B.P. Sinha)**  
**Member (A)**

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

RS/\*

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

**M.A. No. 1097 of 2018 with M.A. No. 1098 of 2018**  
**Inre: DY-No. 1693 of 2017**  
**Inre: O.A. No. Nil of 2017**

**Kamal Singh Ghugatyal**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Namit Sharma, 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 Vinay Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p><b><u>M.A. Nos. 1097 &amp; 1098 of 2018</u></b></p> <p>Shri Vinay Pandey, learned counsel for the applicant filed these applications for recall of the order dated 31.10.2017 alongwith condonation of delay application passed in Dy-No. 1693 of 2017 (Inre: O.A. No. Nil of 2017) dismissing for non prosecution which is delayed by 04 months and 14 days.</p> <p>The grounds shown in the affidavit filed in support of the application for recall seem to be justified. Accordingly, the application is allowed and the order dated 31.10.2017 is hereby recalled.</p> <p>List this case on <b>23.05.2018</b> for orders.</p> <p>Meanwhile, learned counsel for the applicant remove the defects, as pointed out by the Registry by the date fixed.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>

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

**M.A. No. 243 of 2018 with M.A. No. 848 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Smt Bala Devi**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri KK Misra, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents.</p> <p><b><u>M.A. No. 848 of 2018</u></b></p> <p>Objection on the application for condonation of delay filed by the learned counsel for the respondents is taken on record. M.A. aforesaid stands disposed of.</p> <p>Learned counsel for the applicant doesn't intend to file reply to the objection filed by learned counsel for the respondents.</p> <p>The cause shown in the affidavit filed in support of the application for condonation of delay seems to be justified.</p> <p>Accordingly, the application is allowed and the delay in filing the Original Application is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on <b>19.07.2018</b> for orders</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>





Form No. 4

**{See rule 11(1)}**  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

COURT NO.1

M.A. No. 1089 of 2018 In re: O.A. No. 617 of 2017

Brig Dinesh Kumar Ahluwalia

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>18.04.2018</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>Order pronounced.</p> <p>M.A. No. 1089 of 2018 is disposed of in terms of the order of date passed on separate sheets of paper.</p> <p>(Air Marshal BBP Sinha) Member (A) MH/-</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. 1344 of 2017 with M.A. No. 983 of 2018**  
**Inre: O.A. No. Nil of 2017**

**Ram Gopal Sharma**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Vijay Kumar Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submits that the cost of Rs 5000/- has not yet been remitted to the AFT, Bar Association, Lucknow.</p> <p><b><u>M.A. No. 983 of 2018</u></b></p> <p>Reply to the objection on the application for condonation of delay, filed by learned counsel for the respondents is taken on record. Accordingly, aforesaid M.A. stands disposed of.</p> <p><b><u>M.A. No. 1344 of 2017</u></b></p> <p>This is an application for condonation of delay in filing the original application. Reasons shown in affidavit in support of the condonation of delay seem to be sufficient. Accordingly, the application is allowed and the delay in filing the original application is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></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, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on <b>04.07.2018</b> for orders</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

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

**Court No. 1**

**M.A. No. 1912 of 2017**  
**Inre: O.A. No. Nil of 2017**

**Neeraj Kumar**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p>In pursuance of our earlier order, learned counsel for the respondents has provided the present address of the respondent Nos. 10 to 18 to learned counsel for the applicant.</p> <p>It is submitted by Learned counsel for the applicant that correct particulars of the respondent Nos. 13 to 15 have not been provided.</p> <p>Both the learned counsel for the parties are directed to provide correct names and particulars of the respondent Nos. 13 to 15.</p> <p>So far as remaining private respondents are concerned, applicant is directed to take steps for service of notice within a week.</p> <p>If steps are taken as directed, Registry shall issue notice to remaining respondents returnable by the early date.</p> <p>List this case on <b>11.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 2196 of 2017 with M.A. No. 489 of 2018**

**Inre: O.A. No. Nil of 2017**

**Rakesh Kumar**

By Legal Practitioner for Applicant

**Applicant**

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Pankaj Kumar Shukla, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>On 07.12.2017, learned counsel for the respondents was directed to seek instruction why the first appeal dated 22.03.2017 has not yet been decided.</p> <p>It is informed by the respondents that the said appeal has been rejected vide order dated 18.04.2017 on the ground that it is barred by time as the applicant was retired in the year 2003 and his first appeal was preferred on 22.03.2017.</p> <p>Since the statutory petition has been rejected, therefore, the applicant has exhausted his remedies.</p> <p><b><u>M.A. No. 489 of 2018</u></b></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record. Accordingly, aforesaid M.A. stands disposed of.</p> <p>Learned counsel for the applicant does not intend to file reply to the aforesaid objection.</p> <p><b><u>M.A. No. 2196 of 2017</u></b></p> <p>This is an application for condonation of delay in filing the original application. Reasons shown in affidavit in support of the condonation of delay seem to be sufficient. Accordingly, the application is allowed and the delay in filing the original application is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></p> <p>Let the case be registered as O.A.</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.

List this case on **19.07.2018** for orders

**(Air Marshal B.B.P. Sinha)**  
**Member (A)**

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

RPM/-

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 23 of 2018 with M.A. No. 821 of 2018**

**Inre: O.A. No. Nil of 2018**

**Prashant Singh**

By Legal Practitioner for Applicant

**Applicant**

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri DS Tiwari, learned counsel for the applicant and Dr SN Pandey, learned counsel for the respondents.</p> <p><b><u>M.A. No. 821 of 2018</u></b></p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record. Accordingly, aforesaid M.A. stands disposed of.</p> <p>Learned counsel for the applicant does not intend to file reply to the aforesaid objection.</p> <p><b><u>M.A. No. 23 of 2018</u></b></p> <p>This is an application for condonation of delay in filing the original application. Reasons shown in affidavit in support of the condonation of delay seem to be sufficient. Accordingly, the application is allowed and the delay in filing the original application is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></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, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on <b>19.07.2018</b> for orders</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

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

**Court No. 1**

**M.A. No. 199 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Bharat Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>18.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri JN Mishra, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>Learned counsel for the respondents submits that he shall file objection on the application for condonation of delay in Registry during course of the day. Copy of the same has been provided to learned counsel for the applicant in Court today.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to go through it and to file reply to the aforesaid objection.</p> <p>List this case on <b>05.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

Form No. 4

**{See rule 11(1)}**  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

COURT NO.1

O.A. No. 175 of 2017

Kamakhya Harijan

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>17.04.2018</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>Judgment pronounced. Original Application No. 175 of 2017 is Dismissed. For orders, see our judgment and order of date passed on separate sheets.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>MH/-</p>



Form No. 4

**{See rule 11(1)}**  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

COURT NO.1

O.A. No. 83 of 2018

Bharat Prasad Gupta

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>17.04.2018</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>Judgment pronounced. Original Application No. 83 of 2018 is Allowed. For orders, see our judgment and order of date passed on separate sheets.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>MH/-</p>

Form No. 4

**{See rule 11(1)}**  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

COURT NO.1

O.A. No. 556 of 2017

Govind 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>17.04.2018</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>Judgment pronounced. Original Application No. 556 of 2017 is Allowed. For orders, see our judgment and order of date passed on separate sheets.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>MH/-</p>

Form No. 4

**{See rule 11(1)}**  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

O.A. No. 87 of 2016 with

M.A. No.2238/2017, M.A. No. 2056/2017 & M.A. No.765/2016.

Diwan 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>17.04.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></p> <p>Present: Shri Parijaat Belaura, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>Heard the arguments of learned counsel for both the parties.</p> <p>Order reserved.</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>JPT</p>

**{See rule 11(1)}**  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

O.A. No. 282 of 2016 alongwith TA 1221/ 2010

Varun Kumar 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>17.04.2018</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></p> <p>Present: Shri A.K. Srivastava, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents, assisted by Maj Salen Xaxa, OIC Legal Cell.</p> <p>On the request made by Dr Shailendra Sharma Atal, learned counsel for the respondents for adjournment, list this case for hearing on 08.05.2018 alongwith the record of T.A. No. 1221 of 2010.</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  
**O.A. No. 231 of 2016**

**Ram Vishwas Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri A.K. Srivastava, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>SB</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
**O.A. No. 113 of 2017**

**Sukhraj Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Maj Salen Xaxa, Departmental Representative for the respondents.</p> <p>Departmental Representative requests for adjournment on the ground that counter affidavit on behalf of respondents shall be filed by tomorrow. Time prayed for is granted.</p> <p>It is clarified that in case counter affidavit is not filed by tomorrow, opportunity to file counter affidavit shall stands closed.</p> <p>List this case on <b>19.04.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 299 of 2017**

**Rajesh Kumar Awasthi**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Virat Anand Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the respondents undertakes to file counter affidavit in the Registry during the course of day. Copy of the same has been provided to the learned counsel for the applicant who prays for and is granted two weeks time to rejoinder affidavit.</p> <p>List this case on <b>09.07.2018</b> for orders.</p> <p>Office is directed to show name of Shri Virat Anand Singh as learned counsel for the applicant when the case is listed next.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>SB</p>



Form No. 4  
[See rule 11(1)]

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 306 of 2017**

**Khalid Husain Siddiqui**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri S.K. Singh, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submits that he shall file rejoinder affidavit in the Registry during the course of day.</p> <p>Pleadings have been exchanged.</p> <p>List this case on <b>14.05.2018</b> for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>SB</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 389 of 2017**

**Kulwant Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Col A.K. Srivastava (Retd), learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>Learned counsel for the respondents undertakes to file counter affidavit in the Registry during the course of day. Copy of the same has been provided to the learned counsel for the applicant who prays for and is granted two weeks time to rejoiner affidavit.</p> <p>List this case on <b>16.05.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 492 of 2017**

**Smt. Shyamal Sri**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: None for the applicant and Dr. S.N. Pandey, learned counsel for the respondents.</p> <p>Learned counsel for the respondents submits that he has filed counter affidavit in the Registry but the same is not on record. On inquiry, the office reported that counter affidavit has not been filed by learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted a week's time as a matter of last opportunity to file counter affidavit failing which opportunity to file counter affidavit by the respondents shall be closed.</p> <p>List this case on <b>09.05.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
**O.A. No. 547 of 2017**

**Shailendra Singh Tomar**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri V.K. Pandey, learned counsel for the applicant and Ms. Appoli Srivastava, learned counsel for the respondents.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p>List this case on <b>16.05.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>SB</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 593 of 2017**

**Maharaj Ahmed Khan**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri K.K. Mishra, learned counsel for the applicant and Shri G.S. Sikarwar, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' further time to file rejoinder affidavit.</p> <p>List this case on <b>04.07.2018</b> for orders.</p> <p>On the next date, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>SB</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 618 of 2017**

**Dhananjay Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: None for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the respondents undertakes to file counter affidavit in the Registry during the course of day. However, he submits that the Annexures filed alongwith the counter affidavit are not legible. He is permitted to file legible copies of the Annexures by the next date of listing.</p> <p>List this case on <b>23.05.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 30 of 2018 with M.A. No. 796 of 2018**

**Harbinder Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri K.K. Misra, learned counsel for the applicant and Shri G.S. Sikarwar, learned counsel for the respondents.</p> <p><b><u>M.A. No. 796 of 2018</u></b></p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p>List this case on <b>05.07.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 89 of 2018**

**Prem Chand Ram**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' further time to file counter affidavit after serving a copy thereof on learned counsel for the applicant. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on <b>06.07.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>



Form No. 4  
[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

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

**Ramayan Mishra**

Petitioner

By Legal Practitioner for Petitioner

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Virat Anand Singh, learned counsel for the petitioner and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>Learned counsel for the petitioner prays for further time to file supplementary rejoinder affidavit. Since, the matter is an old one, in the interest of justice, last opportunity is granted to learned counsel for the petitioner to file supplementary rejoinder affidavit by the next date of listing.</p> <p>As prayed, list this case on <b>24.04.2018</b> for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 266 of 2011 with M.A. No. 820 of 2018**

**Chand Pati**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Ashish Gupta, Advocate holding brief of Shri Pradeep Tiwari, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On request made by learned counsel holding brief of Shri Pradeep Tiwari, learned counsel for the applicant hearing of the case is adjourned for tomorrow.</p> <p>As prayed, list this case on <b>18.04.2018</b> for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 293 of 2012**

**Ram Roop Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Sanjay Kumar Singh, Advocate holding brief of Shri I.P. Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>Shri Sanjay Kumar Singh, Advocate submits that he shall file written arguments in the Registry during the course of day after providing a copy thereof on learned counsel for the applicant.</p> <p>Reply to written arguments may be filed by learned counsel for the respondents by the next date of listing.</p> <p>List this case on <b>26.04.2018</b> for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
**O.A. No. 263 of 2014**

**Ishwar Prasad**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Sanjay Kumar Singh, learned counsel for the applicant and Maj Salen Xaxa, Departmental Representative for the respondents.</p> <p>. Learned counsel for the applicant prays for time to produce case law on which he places reliance. Time prayed for is granted.</p> <p>List this case on <b>23.04.2018</b> for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**O.A. No. 65 of 2018 with M.A. No. 843, 532 & 285 of 2018**

**Rahat Ali Khan**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>The issue involved in the present O.A. requires hearing.</p> <p><b>Admit.</b></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 <b>17.07.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Anb</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**O.A. No. 545 of 2017**

**Surendra Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>O.A. No. 545 of 2017, Surendra Singh vs. Union of India and others is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>Anb</p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**M.A. No. 1089 of 2018 Inre O.A. No. 617 of 2017**

**Brig Dinesh Kumar Ahluwalia**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>17.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Brig D.K. Ahluwalia, the applicant alongwith his counsel, Shri Virat Anand Singh and Dr Shailendra Sharma Atal and Shri Sunil Sharma, learned counsel for the respondents assisted by Maj Salen Xaxa, Departmental Representative.</p> <p>Heard learned counsel for the parties on application for interim stay. Arguments concluded. Order reserved.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>Ukt</p>

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

**O.A. No. 209 of 2018**

**Smt Nirmala Kumara Jha@ Nirmala Kumari**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Shri RKS Chauhan, 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 Amit Verma, learned counsel for the applicant and Shri RKS Chauhan, learned counsel for the respondents.</p> <p>Having heard learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></p> <p>Learned Standing Counsel appearing for the respondents prays for and granted six weeks' time to file counter affidavit. Rejoinder, if any, may be filed by learned counsel for the applicant with two weeks' thereafter.</p> <p>List this case on <b>12.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>



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

**M.A. No. 1085 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Roopendra Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>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>Present: Shri Vinay Pandey, learned counsel for the applicant and Shri Having heard learned counsel for the respondents.</p> <p><b><u>M.A. No. 1085 of 2018</u></b></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by more than 04 years. Copy of this application has been served upon the learned Standing Counsel for the respondents on 11.04.2018.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection on the delay condonation application. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on <b>12.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>

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

**M.A. No. 1087 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Rajvir Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Shyam 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 Pankaj Kumar Shukla, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p><b><u>M.A. No. 1087 of 2018</u></b></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by more than 08 years. Copy of this application has been served upon the learned Standing Counsel for the respondents on 12.04.2018.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection on the delay condonation application. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on <b>13.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>

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

**M.A. No. 1088 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Ram Niwas**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Arun Kumar Sahu, 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 Pankaj Kumar Shukla, learned counsel for the applicant and Shri Arun Kumar Sahu., learned counsel for the respondents.</p> <p><b><u>M.A. No. 1088 of 2018</u></b></p> <p>This is an application under Section 5 of the Indian Limitation Act read with Section 22 of the Armed Forces Tribunal Act, 2007 for condoning the delay in filing the O.A, which as per office report, is delayed by more than 08 years. Copy of this application has been served upon the learned Standing Counsel for the respondents on 12.04.2018.</p> <p>Learned Standing Counsel appearing for the respondents prays for and is granted six weeks' time to file objection on the delay condonation application. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on <b>13.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>

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

**O.A. No. 206 of 2018**

**Sep R Vinoth Kumar**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></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: Maj RD Singh (Retd), learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Having learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></p> <p>Issue notice to respondent Nos. 7 and 8 by registered speed post as well as by normal mode of service returnable within a week.</p> <p>The prayer for interim relief shall be considered only after appearance of Respondent Nos. 7 and 8.</p> <p>List this case on <b>16.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha Member (A))</b>                      <b>(Justice S.V.S. Rathore) Member (J)</b></p> <p>RS/*</p>

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

**O.A. No. 207 of 2018**

**Ram Kumar Chhetri**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Dr Chet Narain 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 Rohit Kumar, learned counsel for the applicant and Dr Chet Narain Singh, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submitted that first statutory appeal preferred by the applicant on 28<sup>th</sup> February 2017 under Regulation 25 of the Casualty Entitlement Rules, 1982 and applicant had also submitted a reminder on 31.08.2017, but the same has not been decided within a period six months as per policy.</p> <p>Learned counsel for the applicant further submitted that the O.A may be decided finally with a direction to the respondents to decide the statutory appeal preferred by the applicant.</p> <p>Accordingly, with consent of learned counsel for the parties we dispose of the O.A. finally with direction to the respondents to decide the statutory appeal preferred by the applicant within three months from the date of presentation of a certified copy of this order.</p> <p>Registry is directed to provide copy this order to learned counsel for the respondents free of cost within 48 hours for onward transmission.</p> <p>O.A. No. 207 of 2018 is disposed of.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>

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

**DY-No. 700 of 2018**  
**Inre: O.A. No. 416 of 2012**

**Union of India & Others**  
By Legal Practitioner for Applicants

**Applicants**

Versus

**Naresh Kumar Verma**  
By Legal Practitioner for Respondent

**Respondent**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Amit Jaiswal Shukla, learned counsel for the applicant and Maj Salen Xaxa, Departmental Representative.</p> <p><b><u>Dy-No. 700 of 2018</u></b></p> <p>Office has reported that in the application for grant of leave and the judgment, a wrong O.A. No. 416 of 2012 has been mentioned, while O.A. pertains to some other file.</p> <p>On perusal of the record shows that O.A. No. 416 of 2017 is written at the bottom of the page of the judgment.</p> <p>Let this application be placed alongwith the records of O.A. No. 416 of 2017.</p> <p>List this case on <b>19.04.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b>      <b>(Justice S.V.S. Rathore)</b> <b>Member (A)</b>                      <b>Member (J)</b></p> <p>RS/*</p>

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

**EX-A. No. 66 of 2018**  
**Inre: O.A. No. 467 of 2017**

**Mithilesh Kumar Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Mrs Anju 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 Parijaat Belaura, learned counsel for the applicant and Mrs Anju Singh, learned counsel for the respondents.</p> <p><b><u>EX-A. No. 66 of 2018</u></b></p> <p>This is an Execution Application under Section 29 of the Armed Forces Tribunal Act, 2007 filed by the applicant for non implementation of the judgment and order dated 8<sup>th</sup> November 2017 passed in O.A. No. 467 of 2017.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to seek instructions and show cause as to why the aforesaid order of the Tribunal has not been complied with.</p> <p>List this case on <b>04.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b>                      <b>(Justice S.V.S. Rathore)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>RS/*</p>

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

**EX-A. No. 67 of 2018**  
**Inre: T.A. No. 573 of 2010**

**Satyendra Prasad**  
By Legal Practitioner for Petitioner

**Petitioner**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></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 Rohit Kumar, learned counsel for the petitioner and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><b><u>EX-A. No. 67 of 2018</u></b></p> <p>This is an Execution Application under Section 29 of the Armed Forces Tribunal Act, 2007 filed by the applicant for non implementation of the judgment and order dated 21<sup>st</sup> December 2017 passed in T.A. No. 573 of 2010.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to seek instructions and show cause as to why the aforesaid order of the Tribunal has not been complied with.</p> <p>List this case on <b>05.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RS/*</p>



Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No.1**

**M.A. No. 1671 of 2017**  
**Inre: O.A. No. Nil of 2017**

**Smt Anupama Mishra**  
By Legal Practitioner for Applicant

**Applicant**

Versus

**Managing Director AGI & Others**  
By Legal Practitioner for Respondents

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Virendra Kumar Gupta, learned counsel for the Applicant and Shri Ashutosh Kumar Srivastava, learned counsel for the respondent No. 1.</p> <p>Learned counsel for the respondent No. 1 prays for and is granted two weeks' further time, as a last opportunity, to file objection on the point of maintainability of this O.A.</p> <p>List this case on <b>15.05.2018</b> for orders.</p> <p>Meanwhile, replication to the said objection, if any, may be filed by learned counsel for the applicant.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>RPM/-</p>

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

**Court No.1**

**M.A. No. 1789 of 2017 with M.A. No. 701 of 2018**  
**Inre: O.A. No. Nil of 2017**

**Dilip Kumar**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Virendra Kumar Gupta, learned counsel for the Applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><b><u>M.A. No. 701 of 2018</u></b></p> <p>Reply to objection on the application of condonation of delay filed by learned counsel for the applicant is taken on record. Accordingly, aforesaid M.A. stands disposed.</p> <p><b><u>M.A. No. 1789 of 2017</u></b></p> <p>This is an application for condonation of delay in filing the original application. Reasons shown in affidavit in support of the condonation of delay seem to be sufficient. Accordingly, the application is allowed and the delay in filing the original application is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></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, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case <b>16.07. 2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

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

**Court No.1**

**M.A. No. 2108 of 2017**  
**Inre: O.A. No. Nil of 2017**

**Milap Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Virendra Kumar Gupta, learned counsel for the Applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' further time, as a last opportunity, to file objection on the application for condonation of delay.</p> <p>List this case on <b>16.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

Form No. 4  
[See rule 11(1)]  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No.1**

**M.A. No. 19 of 2018 with M.A. No. 864 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Triyug Narain Rai**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Virendra Kumar Gupta, learned counsel for the Applicant and Shri Yogesh Kesarwani, learned counsel for the respondents.</p> <p><b><u>M.A. No. 864 of 2018</u></b></p> <p>Objection on the application for condonation of delay filed on behalf of the respondents is taken on record. Accordingly, aforesaid M.A. stands disposed of.</p> <p>Learned counsel for the applicant submits that he does not intend to file any reply to the said objection.</p> <p><b><u>M.A. No. 19 of 2018</u></b></p> <p>This is an application for condonation of delay in filing the original application.</p> <p>The matter pertains to the grant of disability pension, which is a recurring cause of action. Accordingly, the application is allowed and the delay in filing the original application is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></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, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case <b>16.07. 2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No.1**

**M.A. No. 20 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Shamsher Bahadur Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri PK Shukla, Advocate, holding brief of Shri Virat Anand Singh, learned counsel for the applicant and Ms Appoli Srivastava, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submits that this original application has been filed for grant of disability pension, which is recurring cause of action and he does not intend to file reply to the said objection.</p> <p><b><u>M.A. No. 20 of 2018</u></b></p> <p>This is an application for condonation of delay in filing the original application. Reasons shown in affidavit in support of the condonation of delay seem to be sufficient. Accordingly, the application is allowed and the delay in filing the original application is hereby condoned.</p> <p>By means of this original application applicant has made prayer for rounding off of disability pension. He has filed PPO alongwith original application through which applicant has already getting 30% disability pension which has also been admitted by learned counsel for the respondents.</p> <p><b>Admit.</b></p> <p>Let the case be registered as O.A. No. 210 of 2018.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No.1**

**M.A. No. 168 of 2018**  
**Inre: O.A. No. Nil of 2015**

**Satya Prakash**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Parijat Belaura, learned counsel for the Applicant and Shri Ashish Saxena, learned counsel for the respondents.</p> <p>Learned counsel for the respondents submits that he shall file objection on the application for condonation of delay in Registry during course of the day after serving a copy on learned counsel for the applicant.</p> <p>List this case on <b>16.05.2018</b> for orders.</p> <p>Meanwhile, reply to the said objection, if any, may be filed by learned counsel for the applicant.</p> <p>Registry is directed to delete the name of Shri Amit Jaiswal as a counsel for the respondents.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

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

**Court No.1**

**M.A. No. 200 of 2018**  
**Inre: O.A. No. Nil of 2018**

**Jaivir Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri JN Mishra, learned counsel for the Applicant and Ms Appoli Srivastava, learned counsel for the respondents.</p> <p>Objection on the application for condonation of delay filed by learned counsel for the respondents is taken on record. Learned counsel for the applicant submits that he does not intend to file reply to the said objection.</p> <p><b><u>M.A. No. 200 of 2018</u></b></p> <p>This is an application for condonation of delay in filing the original application. Reasons shown in affidavit in support of the condonation of delay seem to be sufficient. Accordingly, the application is allowed and the delay in filing the original application is hereby condoned.</p> <p>By means of this original application, applicant has prayed to release the service pension in the rank of Honoray Naib Subedar.</p> <p>Having heard the learned counsel for the parties on the point of admission of this original application and found that it is a fit case for admission.</p> <p><b>Admit.</b></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, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case <b>17.07.2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b> RPM/-</p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></p>

Form No. 4  
[See rule 11(1)]

**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No.1**

**M.A. No. 387 of 2018**  
**Inre: O.A. No. Nil 2018**

**Smt Ram Maya Thapa, W/o Lil Bahadur Thapa**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p><b>Present:</b> Shri BB Tripathi, learned counsel for the applicant and Ms Anju Singh, learned counsel for the respondents.</p> <p>Learned counsel for the respondents submits that she shall file the objection on the application for condonation of delay in the Registry during the course of the day, after providing a copy of the same to the learned counsel for the applicant.</p> <p>List this case on <b>06.07. 2018</b> for orders.</p> <p>Meanwhile, reply to the objection may be filed by the learned counsel for the applicant.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></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. 24 of 2018**  
**Inre: O.A. No. 108 of 2013**

**Sunder Lal**  
By Legal Practitioner for Applicant

**Applicant**

Versus

**The Officer-in-Charge, Records, The Punjab Regiment & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Virendra Kumar Gupta, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p><b><u>Ex-A No. 24 of 2018</u></b></p> <p>This is an application for execution of the order dated 05<sup>th</sup> April 2013 passed in O.A.No. 108 of 2013.</p> <p>Learned counsel for the respondents submits that corrigendum PPO has been issued and he shall file the same within one week.</p> <p>List this case on <b>02.05. 2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></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. 742 of 2017**  
**Inre: O.A. No. Nil of 2017**

**Vishv Ranjan Prasad**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri VP Pandey, learned counsel for the petitioner and Shri RKS Chauhan, learned counsel for the respondents.</p> <p>Vide our order dated 23.03.2018, last opportunity was granted to the learned counsel for the respondents to file objection on the application for condonation of delay, but the same has not been filed, hence opportunity to file the objection on the application for condonation of delay is hereby closed.</p> <p><b><u>M.A.No. 742 of 2017</u></b></p> <p>This is an application for condonation of delay in filing the O.A.</p> <p>The matter relates to the grant of disability pension, which is a recurring cause of action.</p> <p>Accordingly, the application is allowed and the delay in filing the O.A. is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></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, may be filed within two weeks thereafter.</p> <p>List this case on <b>13.07 2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></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. 1383 of 2017 with M.A.No. 1 of 2018**  
**Inre: O.A. No. Nil of 2017**

**Tek Bahadur Rana**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri KK Misra, learned counsel for the petitioner and Ms Anju Singh, learned counsel for the respondents.</p> <p><b><u>M.A.No. 1 of 2018</u></b></p> <p>Objection filed by the learned counsel for the respondents on the application for condonation of delay is taken on record. M.A. stands disposed of.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to file reply to the objection.</p> <p>List this case on <b>09.07. 2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></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. 1660 of 2017 with M.A.No.819 of 2018**  
**Inre: O.A. No. Nil of 2017**

**Abhinesh Kumar Singh**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Shri Shiv Kant Pandey, learned counsel for the petitioner and Shri Yogesh Kesarwani, learned counsel for the respondents.</p> <p><b><u>M.A.No.819 of 2018</u></b></p> <p>Objection filed by the learned counsel for the respondents on the application for condonation of delay is taken on record. M.A. stands disposed of.</p> <p>Learned counsel for the applicant submits that he does not intend to file any reply to the objection.</p> <p><b><u>M.A.No. 1660 of 2017</u></b></p> <p>This is an application for condonation of delay in filing the O.A. The matter relates to the grant of disability pension, which is a recurring cause of action.</p> <p>Accordingly, the application is allowed and the delay in filing the O.A. is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p><b>Admit.</b></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, may be filed within two weeks thereafter.</p> <p>List this case on <b>16.07 2018</b> for orders.</p> <p><b>(Air Marshal B.B.P. Sinha)</b> <b>Member (A)</b></p> <p><b>(Justice S.V.S. Rathore)</b> <b>Member (J)</b></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. 869 of 2017**  
**Inre: O.A. No. Nil of 2017**

**Dhananjay Mishra**  
By Legal Practitioner for Applicant

**Applicant**

Versus

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

**Respondents**

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>16.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></b></p> <p>Present: Col YR Sharma (Retd), learned counsel for the petitioner and Ms Appoli Srivastava, learned counsel for the respondents.</p> <p style="text-align: center;"><b><u>ORDER (Oral)</u></b></p> <p style="text-align: center;"><b><u>M.A.No. 869 of 2017</u></b></p> <p>1. This is an application for condonation of delay moved by the applicant in filing the O.A.</p> <p>2. By means of this O.A., the applicant has challenged his dismissal order dated 09<sup>th</sup> December 2002, which was passed by the SCM which was held due to his continuous absence for more than 11 months. It is submitted on behalf of the applicant that the wife of the applicant was suffering from cancer, therefore, the applicant was busy in her treatment. She could not get treatment in any Military Hospital as the applicant married before completing the age of 25 years. Ultimately, his wife expired on 16<sup>th</sup> October 2004.</p> <p>3. It has been argued on behalf of the applicant that because of the illness and thereafter death of his wife, the applicant became mentally disturbed and he could not file the O.A. at early stage. In support of his submission, certain medical certificates have also been filed. It has also been argued that the applicant moved a statutory petition and the same was rejected vide order dated 1<sup>st</sup> August 2016, therefore, the period of limitation must be counted from the said date of such rejection. It has also been argued that a Coordinate Bench of the Court has held that the last date on which the cause of action arises has to be treated as the date for computing the period of limitation.</p> <p>4. Learned counsel for the respondents has vehemently argued that the applicant is virtually challenging his dismissal which took place in 2002. He has come before this Tribunal after 16 years. The applicant has utterly failed to explain such huge delay of 16 years.</p> <p>5. We have considered the rival submissions of the learned</p>

counsel for the parties. Section 22 of the Armed Forces Tribunal Act, 2007 deals with the limitation, which reads as under :

**“22 Limitation. —**

**(1) The Tribunal shall not admit an application—**

*(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 21 has been made unless the application is made within six months from the date on which such final order has been made;*

*(b) in a case where a petition or a representation such as is mentioned in clause (b) of sub-section (2) of section 21 has been made and the period of six months has expired thereafter without such final order having been made;*

*(c) in a case where the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which jurisdiction, powers and authority of the Tribunal became exercisable under this Act, in respect of the matter to which such order relates and no proceedings for the redressal of such grievance had been commenced before the said date before the High Court.*

*(2) Notwithstanding anything contained in sub-section (1), the Tribunal may admit an application after the period of six months referred to in clause (a) or clause (b) of sub-section (1), as the case may be, or prior to the period of three years specified in clause (c), if the Tribunal is satisfied that the applicant had sufficient cause for not making the application within such period.”*

6. Thus, a plain reading of the aforesaid section shows that the court before condoning the delay, must be satisfied that the applicant had sufficient cause for not making the application within such period. Admittedly, in this case, the order of dismissal was passed on 09<sup>th</sup> December 2002 and thereafter the applicant remained silent and for the first time, a statutory complaint under Section 164 (2) of the Army Act was made by the applicant on 11<sup>th</sup> March 2015 i.e. after about 13 years. This delay of 13 years in moving the statutory complaint could not be explained by the applicant and an attempt has been made during the course of arguments that the applicant was not mentally sound and he was advised complete bed rest. It is pertinent to mention here that in the statutory complaint dated 11<sup>th</sup> March 2015, no such ground was taken by the applicant that the applicant was mentally ill or was under treatment or he was advised complete bed rest. The only ground taken by the applicant is that his wife was ill and thereafter she died. It is established by the documents filed on behalf of the applicant that the wife of the applicant expired in the year 2004. The applicant has filed certain medical prescriptions as Annexures. A medical certificate dated 27.09.2016 has been filed by the applicant, whereby one Dr Dinesh Singh of Sai Shailja Nursing Home, Phutia Road, Chandauli has advised the applicant rest from 23.12.2002 to 27.11.2013. This certificate apparently appears to be

not correct. We have never seen such a certificate, whereby the treating doctor has advised his patient to take rest for about 11 years and this becomes more important keeping in view the prescriptions filed by the applicant. Photostat copies of the medical prescriptions have been filed and in none of these medical prescriptions, the applicant has been advised complete bed rest and it is really surprising that inspite of that, the doctor has issued a certificate advising rest for a period of 11 years. The other ground is that the applicant was busy in the treatment of his wife who died on 16.10.2004, but as per the medical certificate (Annexure A-8), applicant himself was on bed rest from 23.12.2002 to 27.11.2013, so there was no question that he was busy in the treatment of his wife.

7. It is true that Section 164 of the Army Act does not provide for any period to move statutory complaint, but where no such period is prescribed, then such a complaint must be made within a reasonable period. In the instant case, the applicant has made such a statutory complaint after about 13 years. Such a long period cannot be treated to be a reasonable period. If the submission of the learned counsel for the applicant that the period of limitation must commence from the date of order, whereby his statutory complaint has been rejected is considered, then it would simply make Section 22 of the AFT Act, 2007 meaningless because in that circumstances, any administrative Act of the Armed Forces shall not attain finality, because at any time, the applicant may prefer statutory complaint, may be after lapse of 15 or 20 years and some order has to be passed by the competent authority on such statutory complaint, then the provision of Section 22 of the AFT Act, 2007 would become meaningless. The purpose of provision of Limitation is to give finality to the orders passed by the authority. Until and unless the applicant satisfies the Tribunal that he was not in a position to come before the Tribunal within time due to certain unavoidable circumstances, such huge delay cannot be condoned. In the instant case, the applicant has utterly failed to satisfy us on this point.

8. Learned counsel for the applicant has filed copy of the order passed by a Coordinate Bench of the Tribunal nn M.A.No.588 of 2017 in the case of **Ajai Kumar vs. Union of India & others** decided on 11.09.2017, whereby the delay was condoned and the period of commencement of the limitation was considered from the date on which the statutory complaint was rejected, but a perusal of the order shows that in that case, the order of discharge was passed on 31.04.2015 and statutory complaint was filed on 15.12.2016 which was rejected on 24.01.2017. Thus, the applicant, in that case, had moved the statutory complaint within a reasonable time, but in the present case, the applicant has moved the statutory complaint after lapse of about 13 years.

9. After carefully examining the entire record and the documents filed by the applicant, We do not find any substance in the submission of the learned counsel for the applicant. The delay in filing the O.A. could not be explained satisfactory.

10. Accordingly, the application for condonation of delay has no force, deserves to be rejected and is hereby rejected.

11. Since the application for condonation of delay has been rejected, hence the O.A. is also dismissed.

**(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

**R.A. No 30 of 2018 Inre O.A. No 552 of 2017**

**Prashotam Singh**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, on behalf of respondents is taken on record. His name shall be shown in the cause list when the case is next listed.</p> <p>Present: Shri R Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>By means of this Review Application, applicant has prayed to review the judgment and order dated 22.03.2017 passed in O.A. No 522 of 2017 and grant disability pension from the date of discharge i.e. 30.11.2003.</p> <p>O.A. No 522 of 2017 filed by the applicant was decided by this Tribunal on 22.03.2017 with the directions to respondents to grant disability pension to the applicant @ 30% for life which would stand rounded off to 50% for life from three years prior to filing of original Application i.e. 21.11.2014 alongwith arrears. There is no question to review the judgment.</p> <p>The Review Application has no substance and is hereby <b>rejected</b>.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>

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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Ex.A. No 251 of 2016 Inre O.A. No 133 of 2016**

**Ghanshyam Tiwari**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant and Dr. Chet Narain Singh, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents submits that in compliance of judgment and order dated 04.11.2016 passed in O.A. No 133 of 2016, entire arrears have been paid to the applicant. He prays for and is granted four weeks time to file affidavit in this regard.</p> <p>List this case on <b>10.05.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>

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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Ex.A. No 72 of 2017 Inre T.A. No 11 of 2013**

**Jagat Singh**

Petitioner

By Legal Practitioner for the Petitioner

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Lalit Kumar, learned counsel for the petitioner and Mrs. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents submits that in compliance of order dated 09.11.2017 passed by this Tribunal, she will deposit the cost of Rs. 25,000/- in the Registry during course of the day.</p> <p>Thus, judgment and order dated 15.10.2014 passed in T.A. No 11 of 2013 has been fully complied with.</p> <p>Accordingly, this Execution Application has rendered infructuous and is hereby <b>dismissed</b>.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>

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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Ex. A. No 118 of 2017 Inre O.A. No 243 of 2016**

**Raghvendra Singh**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri KK Mishra, learned counsel for the applicant and Mrs. Anju Singh, Ld. Counsel for the respondents.</p> <p>This Execution Application has been filed by the applicant for execution of judgment and order dated 09.11.2016 passed in O.A. No 243 of 2016.</p> <p>Learned counsel for the respondents has produced before us copy of order which shows that judgment and order dated 09.11.2016 has been fully complied with. She has served upon a copy of the order to learned counsel for the applicant. So far as payment of terminal benefits of battle casualty is concerned, it shall be paid to the applicant at the time of retirement.</p> <p>Accordingly, this Execution Application has rendered infructuous and is hereby <b>dismissed</b>.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>

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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Ex. A. No 189 of 2017 Inre O.A. No 70 of 2017**

**Dashrath Singh**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Lalit Kumar, learned counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>This Execution Application has been filed by the applicant for execution of judgment and order dated 18.05.2017 passed in O.A. No 70 of 2017.</p> <p>Learned counsel for the respondents submits that in compliance of judgment and order dated 18.05.2017 necessary payment has been made to the applicant.</p> <p>Learned counsel for the applicant submits that Re-survey Medical Board of the applicant as per order has not been completed. He further informs that the applicant reports to Military Hospital every week but he is informed by Military Hospital that necessary medical records have not been received from Record Office and the same is must for conducting of Re-survey Medical Board.</p> <p>So far as conduct of Re-survey Medical Board is concerned, learned counsel for the respondents informs that authority for conducting of Re-survey Medical Board has been issued by Army Headquarters. However, the applicant has not reported for Re-survey Medical Board.</p> <p>During hearing, it was clear that there is no credible evidence that the letter for conduct of Re-survey Medical Board has been served upon to the applicant because learned counsel for the applicant has denied receiving any such letter on Re-survey Medical Board by applicant though the applicant on his own initiative has been visiting Military Hospital every week.</p>

We consider this whole situation as a sorry state of affair on the part of respondents.

As a matter of last opportunity, a week's further time is granted to learned counsel for the respondents to seek instructions regarding conduct of Re-survey Medical Board of the applicant.

List this case on **23.04.2018** for orders.

Copy of this order be provided to learned counsel for the respondents forthwith to ensure compliance.

**(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

**Ex. A. No 14 of 2018 Inre O.A. No 168 of 2013**

**Abhilash Singh Kushwaha**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Maj RD Singh (Retd), learned counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents submits that in compliance of judgment and order dated 23.09.2015 passed in O.A. No 168 of 2013, entire amount due has been paid to the applicant in February 2018.</p> <p>Learned counsel for the applicant submits that complete amount has not been paid to the applicant.</p> <p>It is stated by learned counsel for the applicant that in para 7 of the affidavit he has given details of amount to be paid to the applicant.</p> <p>Said affidavit is of January 2018 while as per statement of learned counsel for the respondents, the entire amount has been credited in the account of the applicant in the month of February 2018.</p> <p>Learned counsel for the applicant has admitted that he could not contact his client and has no instructions but entire amount has not been paid and the submission of learned counsel for the respondents is incorrect.</p> <p>In this perspective, learned counsel for the applicant is directed to file objection by means of an affidavit to bring on record the details of payment, if any, made to the applicant and details of amount due to the applicant in compliance of the order under execution.</p> <p>List this case on <b>03.05.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>

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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Ex. A. No 41 of 2018 Inre O.A. No 417 of 2017**

**Muneesh Kumar**

Applicant

By Legal Practitioner for the Applicant

Versus

**Addl DGPS-4, DHQ PO New Delhi**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Maj Salen Xaxa, Departmental Representative for the respondents.</p> <p>Departmental Representative submits that the applicant is a recruit and he has submitted representation after about 35 years. All the records of the applicant have been destroyed.</p> <p>She prays for and is granted four weeks time to seek instructions from the authority concerned for deciding the representation of the applicant.</p> <p>List this case on <b>23.05.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>



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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

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

**Shailesh Mishra**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Shri Om Prakash Kushwaha, learned counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>This Execution application has been filed by the applicant for execution of order dated 16.01.2018 passed in O.A. Nil of 2017.</p> <p>In this case, notice was issued to Respondent No 6. There is no report whether the notice has been served or not.</p> <p>Let a fresh notice be issued to Respondent No 6 to appear before the Court in person and explain as to why the order of the Court under execution has not been complied with.</p> <p>List this case on <b>02.07.2018</b> for orders.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>

{See rule 11(1)}

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**M.A. No 1063 of 2018 Inre M.A. No 1020 of 2017**

**Inre O.A. No 104 of 2017**

**Col Ran Singh Dudee**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Col Ran Singh Dudee in person and Mrs Appoli Srivastava, learned counsel for the respondents.</p> <p>By means of this application, the applicant has made the following prayer:-</p> <p>“(a) The M.A. No 1020 of 2017 is heard and decided by this Hon'ble Court which has already been restored on 08.08.2017, even if required it may please be restored now since the issue raised is pending adjudication.</p> <p>(b) Any other relief as deemed fit and appropriate by the court.</p> <p>While making submissions with regard to this application the applicant orally submitted that his Original Application be dismissed as withdrawn with liberty to file afresh. Perusal of the record shows that Original Application No 104 of 2017 has been decided on merits on 12.09.2017. This order runs in 42 pages by which the Original Application was allowed. The applicant after availing benefits of said order is praying for withdrawal of said order. The order has attained finality and perusal of record shows that there is no prayer for withdrawal of the Original Application.</p> <p>Thus, the application deserves to be rejected being misconceived. It is rejected accordingly.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>

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

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**M.A. No 1062 of 2018 Inre O.A. No 104 of 2017**

**Inre C.A. No 7 of 2017**

**Col Ran Singh Dudee**

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.04.2018</u></b> <b><u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u></b> <b><u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></b></p> <p>Present: Col Ran Singh Dudee in person and Mrs Appoli Srivastava, learned counsel for the respondents.</p> <p><b><u>M.A. No 1062 of 2018</u></b></p> <p>This application has been moved for early hearing in Contempt Application No 7 of 2017 arising out of O.A. No 104 of 2017. The title of this application is ' Misc Application for Early Hearing' but there is no such prayer in the prayer clause of the application for early hearing, rather the applicant has made some other prayers. Therefore such practice on part the of the applicant is highly objectionable inasmuch as there is no such prayer for early hearing of the contempt petition in the prayer clause of this application. Since out of three Benches, only one Bench is available, therefore no early hearing is possible.</p> <p>The early hearing application is <b>rejected</b> accordingly.</p> <p><b>(Air Marshal BBP Sinha)</b> <b>Member (A)</b></p> <p><b>Justice S.V.S. Rathore)</b> <b>Member (J)</b></p> <p>ukt</p>