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

O.A No. 446 of 2017

Smt Meera Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Bachchan Singh, Ld. Counsel for the applicant and Maj Salen Xaxa, OIC, Legal Cell for the respondents. Adjournment has been prayed on behalf of the respondents on the ground of non availability of counsel for the respondents. List this case on **06.08.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A No. 496 of 2017

Kamlesh 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**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R.N. Tripathi, Ld. Counsel for the applicant and Shri Md Zafar Khan, Ld. Counsel for the respondents. Learned counsel for the applicant submits that prior to filing of the present O.A. the applicant had preferred an O.A. earlier to it, which was dismissed in default for want of prosecution and hence the present O.A. in the same cause of action is not maintainable. Learned counsel therefore has made a prayer that this O.A. may be dismissed as withdrawn as he will seek steps for restoration of his earlier O.A. Accordingly, the present O.A. of the applicant is **dismissed as withdrawn**. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A No. 633 of 2017

Abinash Chand 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Col Y.R. Sharma (Retd), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. Learned counsel for the applicant has filed rejoinder affidavit to the counter affidavit filed by the respondents, which is taken on record. Learned counsel for the respondents prays for time to go through the rejoinder affidavit filed by the applicant. List this case on **20.08.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

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

Ramayan Mishra Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.A. Singh, Ld. Counsel for the petitioner and Shri Anurag Mishra, Ld. Counsel for the respondents. During the course of hearing it was felt that a perusal of the discharge order of applicant is necessary, which has not been filed by the respondents. List this case on **06.08.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

T.A No. 01 of 2014

Sarbeswar Pattanaik Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R.P. Verma, Ld. Counsel for the petitioner and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents. Learned counsel for the respondents prays for and is granted two days' time to produce the original records. However, learned counsel for the petitioner submits that this case may be listed after two weeks. List this case on **08.08.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

Form No. 4

{See rule 11(1)}

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

COURT NO. 1

O.A. No. 305 of 2017

Ram Raj Singh **-Applicant**

By Legal Practitioner for the applicant

Vs

Union of India & Ors **-Respondents**

By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	23.07.2018 Hon'ble Mr. Justice S.V.S. Rathore, Member (J) Hon'ble Air Marshal B.B.P. Sinha, Member (A) **Judgment pronounced.** **O.A. is** allowed. **For orders, see our judgment and order of date passed on separate sheets.** **(Air Marshal B.B.P. Sinha) Member (A)** **(Justice S.V.S. Rathore) Member (J)** **JPT**

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

M.A. No. 210 of 2018 Inre: O.A. No. Nil of 2018

Uma Shankar 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Shamshad Alam, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents. **M.A. No. 210 of 2018** This is an application for condonation of delay in filing the original application. By means of this application applicant has prayed for grant of pension of Hony Nb Sub. The reasons given in the application for condonation of delay seem to be genuine. Application for condonation of delay is allowed and delay in filing the O.A. is condoned. Objection raised by Ld. Counsel for the respondents is rejected. **Admit.** Let the case be registered as O.A. Ld. Counsel for the respondents prays for and is granted four weeks' time to file counter affidavit to which Ld. Counsel for the applicant may file rejoinder affidavit. List this case on **21.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A. No. 808 of 2018 with M.A. No. 809 of 2018
Inre: O.A. No. 228 of 2015

Ramesh Chandra Dixit 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Applicant in person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. The applicant submits that he shall file reply to objection in moving recall application during course of the day. List this case on **13.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 361 of 2012

Sangeeta Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents. **O.A No. 361 of 2012** By means of this application the applicant has prayed for maintenance allowance from the salary of her husband Amit kumar **M.A. No. 1357of 2018** Now the applicant has moved this impleadment application to add name of her husband Amit kumar. None is present on behalf of the applicant. In the interest of justice, the case is adjourned. List this case on **04.09.2018** for orders showing the name of Shri D.S. Tiwari, Advocate as counsel for Amit Kumar, respondent No 5. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A. No. 61 of 2014

Sukhvir 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**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri O.P. Kushwaha, Advocate holding brief for Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Shri O.P. Kushwahs, Advocate prays for and is granted two weeks' further time to file supplementary affidavit in terms of order dated 31.10.2017. List this case on **16.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 335 of 2017

Tomy Varghese 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. Pleadings have been exchanged. The case is ripe for hearing. List this case on **17.09.2018** for orders. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 401 of 2017

Ranjay Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Col (Retd) A.K. Srivastava, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that original documents are not available today and prays for adjournment. Vide order dated 07.03.2018 following direction to Ld. Counsel for the respondents was given:- *"Keeping in view the averment made in the counter affidavit, we direct the respondents to file an affidavit explaining whether the marks of OP RAKSHAK and High Altitude have been given to any other person being posted in Bhutan and whether such marks were considered while considering promotion to the applicant.* *The respondents are further directed to file copy of the policy covering the matter.* *List this case on **17.04.2018** for hearing.* *On the date fixed, Ld. Counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench."* Even after availing two dates, said directions have not been complied with by the respondents. As a matter of last opportunity two weeks' further time is granted to the respondents to produce the relevant policy letter as well as the original record. List the case on **17.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 497 of 2017 with D.Y. No. 1575 of 2018

Ajaipal 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri K.K. Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. **D.Y. No. 1575 of 2018** This is an application for substitution of name of Smt Satbiri W/o deceased soldier Ajaipal Singh. This substitution application is not supported with death certificate of the deceased soldier (supra). Ld. Counsel for the applicant has not produced any document to prove that Smt Satbiri is wife of deceased soldier Ajaypal Singh. Ld. Counsel for the applicant prays for and is granted four weeks' time to file aforesaid documents. List this case on **24.08.2018** for orders. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

O.A No. 244 of 2018

Surendra 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri A.K. Singh, Ld. Counsel for the applicant and Ms Anju Singh, Ld. Counsel for the respondents. Ld. Counsel for the respondents prays for and is granted two weeks' further time to file counter affidavit to which Ld. Counsel for the applicant may file rejoinder affidavit within next two weeks. List this case on **10.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

T.A No. 40 of 2009

Sushil Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.A. Singh, Ld. Counsel for the petitioner and Ms Appoli Srivastava, Ld. Counsel for the respondents. Ld. Counsel for the petitioner submits that he will file the supplementary rejoinder affidavit during course of the day. As prayed, list this case on **09.08.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 120 of 2017

VP 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Ms Poonam Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that an officer from MS Branch shall come tomorrow to argue the case. In the interest of justice the case is adjourned. List this case on **24.07.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 122 of 2017 Inre: O.A. No. Nil of 2017

Raghuraj 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**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri P.K. Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. A perusal of record contained in O.A. No. 32 of 2015 decided on 21.12.2015 is necessary to ascertain date of discharge of the applicant. Office is directed to list this case along with O.A. No. 32/2015 on the next of hearing on **13.08.2018**. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 186 of 2017

Kamlesh Singh Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Md. Zafar Khan, Ld. Counsel for the respondents. Heard Ld. Counsel for the parties. Argument concluded. Order reserved. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

O.A No. 380 of 2017

Rajendra 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**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Bachchan Singh, Ld. Counsel for the applicant and Shri Virendra Kumar Singh, Ld. Counsel for the respondents. Heard Ld. Counsel for the parties. Argument concluded. Order reserved. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

RESERVED
Court No. 1

O.A. No 37 of 2016

Shreepal Applicant

By Legal Practitioner for Applicant

Versus

Union of India & others Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.07.2018 **Hon'ble Mr. Justice SVS Rathore, Member (J)** Judgment pronounced. For order, see order of date passed on separate sheets. **(Justice SVS Rathore)** **Member (J)** **anb**

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

RESERVED
Court No. 1

O.A. No 317 of 2015

Ataullah Khan Applicant

By Legal Practitioner for Applicant

Versus

Union of India & others Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.07.2018 **Hon'ble Mr. Justice SVS Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Judgment pronounced. Original Application is **dismissed.** For order, see our order of date passed on separate sheets. **(Air Marshal BBP Sinha)** **(Justice SVS Rathore)** **Member (A)** **Member (J)** **anb**

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

M.A. No. 1334 of 2018 Inre: O.A. No. Nil of 2018

Radhey Ram 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri V.P.S. Vats, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents. **M.A. No. 1334 of 2018** This is an application for condonation of delay filed by the applicant for grant of revised pension of Hony Naib Subedar. As per office report, it is delayed by 08 years, 07 months & 05 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **11.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1338 of 2018 Inre: O.A. No. Nil of 2018

Ram Vishal 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Anurag Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. **M.A. No. 1338 of 2018** This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 21 years, 06 months & 12 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **24.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1339 of 2018 Inre: O.A. No. Nil of 2018

Col Faiz Ahmed Farooquee (Retd) 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Bhanu Pratap 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. Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents. **M.A. No. 1339 of 2018** This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 15 days in filing the Original Application. Learned counsel for the respondents submits that he does not intend to file any objection on application for condonation of delay. Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is condoned. It is a fit case for adjudication. **Admit.** Let the case be registered as O.A. 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 **25.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1340 of 2018 Inre: O.A. No. Nil of 2018

Man 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. Present: Shri O.P. Kushwaha, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. **M.A. No. 1340 of 2018** This Original Application has been filed by the applicant with the prayer to decide his statutory complaint dated 20.12.2017 which is pending with the respondents. With the consent of learned counsel for the parties, we hereby dispose of the O.A. finally with the direction to the respondents to decide the statutory complaint of the applicant dated 20.12.2017 by a speaking and reasoned order in accordance with law, if not already decided, within a period of three months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly. With the aforesaid direction, the Original Application is **disposed of** finally. Let a copy of this order be provided to learned counsel for the respondents within 48 hours, free of cost for onward transmission. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1341 of 2018 Inre: O.A. No. Nil of 2018

Bhopal 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri K.K. Misra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. **M.A. No. 1341 of 2018** This is an application for condonation of delay filed by the applicant for grant of service pension. As per office report, it is delayed by 07 years, 09 months & 16 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **12.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1342 of 2018 Inre: O.A. No. Nil of 2018

Dharampal 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri R.C. Shukla, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri K.K. Misra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents. **M.A. No. 1342 of 2018** This is an application for condonation of delay filed by the applicant for grant of revised pension of Hony Naib Subedar. As per office report, it is delayed by 12 years & 09 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **18.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1343 of 2018 Inre: O.A. No. Nil of 2018

Sardar Singh Tomar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri K.K. Misra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents. **M.A. No. 1343 of 2018** This is an application for condonation of delay filed by the applicant for grant of revised pension of Hony Naib Subedar. As per office report, it is delayed by 12 years & 09 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **18.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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M.A. No. 1347 of 2018 Inre: O.A. No. Nil of 2018

Mahendra Pratap 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. **M.A. No. 1347 of 2018** This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 11 years & 17 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **13.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

Ex-A No. 126 of 2018 Inre: O.A. No. 13 of 2016

Akash 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri P.K. Shukla, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. **Ex-A No. 126 of 2018** This is an application filed by the applicant for execution of order dated 08.11.2017 passed in O.A. No. 13 of 2016. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. List this case on **14.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4

{See rule 11(1)}

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

Ex-A No. 127 of 2018 Inre: O.A. No. 69 of 2016

Ramesh Chandra Tiwari 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri M.C. Shukla, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents. **Ex-A No. 127 of 2018** This is an application filed by the applicant for execution of order dated 10.01.2018 passed in O.A. No. 69 of 2016. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. List this case on **07.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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Ex-A No. 128 of 2018 Inre: O.A. No. 561 of 2017

Ganesh Nath 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**
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents. **Ex-A No. 128 of 2018** This is an application filed by the applicant for execution of order dated 11.01.2018 passed in O.A. No. 561 of 2017. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. List this case on **17.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A. No. 1345 of 2018 with M.A. No. 1346 of 2018
Inre: T.A. No. 366 of 2010

Kulbhushan Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Ashish Saxena, Advocate on behalf of the respondents is taken on record. Present: Shri P.K. Shukla, Ld. Counsel for the petitioner and Shri Ashish Saxena, Ld. Counsel for the respondents. **M.A. No. 1345 of 2018** 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 21.09.2011, passed by this Court in T.A. No. 366 of 2010. This application has been filed by the petitioner after a period of limitation. As per stamp reporter's report, there is delay of 06 years, 08 months & 26 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 shall be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under: *"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."

The Hon'ble Supreme Court further observed as under :

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

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

M.A. No 1346 of 2018

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

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

(Air Marshal BBP Sinha)
Member (A)

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

SB

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

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

Smt Kalawati Devi Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S.K. Pandey, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents. Ld. Counsel for the petitioner submits that in compliance of judgment and order dated 09.02.2017 passed in T.A. No 1000 of 2010 PPO has been issued but back wages and the regular pension of the applicant have not been paid. He filed objection on 19.05.2018 but even after elapse of two months, reply to same has not been filed by the respondents. Ld. Counsel for the respondents prays for and is granted two weeks' time to seek instructions from the authorities concerned and file compliance report. List this case on **10.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Dr. Ashish Asthana, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. On 08.05.2018 following order was passed by this Tribunal:- "*On the last date i.e. 24.04.2018, on behalf of the respondents two copies of letters were given to the learned counsel for the applicant regarding the Resurvey Medical Board of the applicant. Today learned counsel for the applicant has produced before us a letter dated 26th April 2018, copy of which has been endorsed to the applicant, whereby the Military Hospital has expressed its inability to conduct the RSMB as all relevant medical documents have been returned to Record Office in March 2018. The Hospital has also informed that they have not received the letter dated 13th April 2018 for conducting RSMB till date. The whole episode reflects lack of accountability and indicates that there is absolutely no coordination between the Records Office and the Military Hospital. It appears that the orders are not being properly communicated, therefore, RSMB, as directed, has not yet been conducted even after a long time gap. In this background, we hereby direct the learned counsel for the respondents to give the name the officer, who is responsible for such delay in conducting the RSMB positively by the next date, so that necessary orders may be passed against him."* Till date there seems to be no further progress. Maj Salen Xaxa, OIC Legal Cell submits that she has telephonically contacted Record Officer, Garhwal Rifles, C/O 56 APO but no action has been taken by them. In this regard Departmental representative has produced before us a letter dated 26.04.2018 but it does not clarify information which was asked from the respondents vide our order dated 26.04.2018. However it prima facie reflects the negligence on the part of record office. We hereby direct Record Officer, Garhwal Rifles to be present in person in the Court on the date fixed and explain the reason as to why complete documents pertaining to the applicant were not submitted to the

	Military Hospital, Dehradun for conducting the RSMB and who was responsible for this co-ordination with Military Hospital and the applicant. List this case on **13.08. 2018** for orders. Copy of this order be provided to Ld. Counsel for the respondents for onward submission to Records Garhwal Rifles, C/O 56 APO **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

Ex-A No. 202 of 2017 Inre: T.A. No. 15 of 2014
& Inre: T.A. No. 1368 of 2010

Maj Kunwar Ambreshwar Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.A. Singh, Ld. Counsel for the petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. Vide order dated 03.04.2018 cost of Rs 15,000/- was imposed on the respondents but the same has not been deposited till date. Ld. Counsel for the respondents prays for and is granted a week's further time to comply the order dated 03.04.2018. List this case on **08.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

Ex-A No. 33 of 2018 Inre: O.A No. 220 of 2014

Narayan Datt Joshi 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri K.K.S. Bisht, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that paper book pertaining to the case is not available with him today and prays for adjournment of the case. As prayed, list this case on **24.08.2018** for orders. **(Air Marshal BBP Sinha) Member (A)** **(Justice S.V.S. Rathore) Member (J)** Ukt

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

Ex-A No. 48 of 2018 Inre: O.A No. 290 of 2016

Harendra Vikram 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Yash Pal Singh, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that order of this Tribunal dated 18.01.2018 passed in O.A. No. 290 of 2016 has been fully complied with and the letter has been issued to the applicant to join his duty. Ld. Counsel for the applicant submits that the applicant has received the letter with regard to joining of duty. List this case on **06.08. 2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

Ex-A No. 86 of 2018 Inre: T.A. No. 595 of 2010

Vijay Keshav Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S.K. Malviya, Ld. Counsel for the petitioner and Shri Anurag Mishra, Ld. Counsel for the respondents. Ld. Counsel for the respondents prays for and is granted further four weeks' time to seek instructions from the authorities concerned and file compliance report for execution of the order of this Tribunal dated 17.11.2017 passed in T.A. No. 595 of 2010. List this case on **28.08.2018** for orders. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

M.A No. 339 of 2016 Inre: O.A. No. Nil of 2016

Rati Bhan Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. Vide order dated 07.05.2018 Ld. Counsel for the applicant was directed to file a copy of order of the Hon'ble High Court by which the case was dismissed but the same has not been filed. Ld. Counsel for the applicant prays for and is granted two weeks' further time to file the same. List this case on **20.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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{See rule 11(1)}
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M.A No. 630 of 2016 with M.A. No. 2060 of 2016,
M.A. No. 529 of 2017 & M.A. No. 1170 of 2017
Inre: O.A. No. Nil of 2016

Ram Nath Mishra 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Vakalatnama filed by Shri Yashpal Singh, Advocate on behalf of the applicant is taken on record. His name be shown as Ld. Counsel for the applicant on the next date of listing. Present: Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that he has filed Vakalatnama today and prays for time to go through the case. Accordingly, the case is adjourned. List this case on **03.09. 2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A No.1521 of 2016 Inre: O.A. No. Nil of 2016

Nathun Singh Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents. It has been informed at Bar that Shri P.N. Chaturvedi, Ld. Counsel for the applicant has expired. Shri Y.R. Sharma, Advocate prays for adjournment of the case. Accordingly, the case is adjourned. List this case on **10.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A No. 1249 of 2017 with M.A. No. 1250 of 2017
Inre: O.A. No. 157 of 2014

Umesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Shri P.N. Chaturvedi, Ld. Counsel for the applicant has expired. Registry is directed to issue notice to the applicant to engage another counsel. List this case on **10.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A No. 1428 of 2017 Inre: O.A. No. Nil of 2017

Nitesh Kumar Tiwari 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Ravi Shankar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Reply to objection on application for condonation of delay filed by Ld. Counsel for the applicant is taken on record. List this case on **04.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A No. 1649 of 2017 with Inre: O.A. No. Nil of 2017
Along with O.A. No. 187 of 2015

Ram Gopal 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri OP Kushwaha, Advocate, holding brief for Shri Ashok Kumar, Ld. Counsel for the applicant and Shri A.K. Sahu, Ld. Counsel for the respondents. Shri OP Kushwaha, Advocate, submits that Ld. Counsel for the applicant is sick and prays for adjournment of the case. Accordingly the case is adjourned. List this case on **27.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. Case called out. None is present on behalf of the applicant. Vide order dated 11.07.2018 direction was given to Registry to issue notice to respondent No 13 and 15 and the applicant was directed to take steps but Ld. Counsel for the applicant has not taken steps. Ld. Counsel for the applicant is further directed to take steps and Registry shall issue fresh notices to Respondent No 13 and 15 by Registered Post returnable by the date fixed. List this case on **27.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A No. 2121 of 2017 with M.A. No. 830 of 2018
Inre: O.A. No. Nil of 2017

Smt Jamwanti Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Mayankar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. **M.A No. 2121 of 2017** This is an application for condonation of delay in filing the O.A. By means of the original application, Ld. Counsel for the applicant has prayed for grant of family pension which is a recurring cause of action. The application for condonation of delay is allowed and delay in filing original application is **condoned**. Objection raised by Ld. Counsel for the respondents is rejected. M.A. aforesaid is disposed of. **Admit.** Let the case be registered as O.A. Ld. Counsel for the respondents is granted four weeks' time to file counter affidavit to which Ld. Counsel for the applicant may file rejoinder affidavit within next two weeks. List this case on **18.09.2018** for orders before Registrar Court. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A No. 73 of 2018 Inre: O.A. No. Nil of 2018

Smt Rita Rani 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Dr. Ashish Asthana, Ld. Counsel for the applicant and Shri Md. Zafar Khan, Ld. Counsel for the respondents. **M.A No. 73 of 2018** This is an application for condonation of delay in filing the O.A. By means of the original application, Ld. Counsel for the applicant has prayed for grant of family pension which is a recurring cause of action. The application for condonation of delay is allowed and delay in filing original application is **condoned**. Objection raised by Ld. Counsel for the respondents is rejected. M.A. aforesaid is disposed of. **Admit.** Let the case be registered as O.A. Ld. Counsel for the respondents is granted four weeks' time to file counter affidavit to which Ld. Counsel for the applicant may file rejoinder affidavit within next two weeks. List this case on **18.09.2018** for orders before Registrar Court. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A No. 297 of 2011 with M.A. No. 2326 of 2017,
M.A. No. 139 of 2017

Kedar Prasad Mishra 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri A.N. Tripathi, Ld. Counsel for the respondents. Heard Ld. Counsel for the parties. Arguments concluded. Order reserved. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

Court No.1

M.A. No. 1354 of 2018 Inre: O.A. No. Nil of 2018

Smt Shera 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Kaushik Chatterji, Advocate on behalf of the respondents is taken on record. Present: Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents. By means of this application the applicant has prayed for the following reliefs:- A. To issue/ pass an order or directions to the respondents to decide the representation dated 12.12.2017 send by applicant for grant of family pension. B. To issue/ pass an order or directions to the respondents for grant of family pension to the applicant from date of death of applicant's husband i.e. dated 04.08.2011 alongwith interest @ 18% on the arrears of dues so accrued. C. To issue/ pass any other order or direction to the respondents as this Hon'ble Tribunal may deem just, fit and proper under the circumstances of the case in favour of the applicant. D. To allow this original application with costs." Learned counsel for the applicant submits that at this stage he restricts his relief to only Clause-A. With the consent of learned counsel for the parties this O.A. is finally disposed of with a direction to the respondents to decide the representation of the applicant dated 12.12.2017 within a period of four weeks from the date of receipt of a certified copy of this order. With the aforesaid direction O.A. stands finally **disposed of**. Copy of the order be provided to the parties on payment of usual charges by tomorrow. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** JPT

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

M.A. No. 1355 of 2018 Inre: O.A. No. Nil of 2018

Jalal 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Mrs Amrita Chakraborty, Advocate on behalf of the respondents is taken on record. Her name be shown in the cause listed as counsel for the respondents when the case is next listed. Present: Shri J.N. Mishra, Ld. Counsel for the applicant and Mrs Amrita Chakraborty, Ld. Counsel for the respondents. The matter relates to the payment of pensionary benefits, which is a recurring cause of action. Accordingly the application for condonation of delay (M.A. No. 1355 of 2018) is allowed and the delay in filing the O.A. is condoned. **Admit.** Learned counsel for the respondents is allowed four weeks' time to seek instructions and file counter affidavit. Applicant may file rejoinder affidavit, if any within two weeks thereafter. List this case on **10.09.2018** for orders. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** JPT

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

M.A. No. 1916 of 2015

Bal Krishan Tripathi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S.K. Singh, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondents. Adjournment is prayed on behalf of the applicant to move an application for amendment. List this case on **11.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

M.A No. 1787 of 2017 with M.A. No. 1788 of 2017
Inre: M.A. No. 34 of 2015

Ratan Maity Applicant
By Legal Practitioner for the Applicant

Versus

Commanding Officer & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents. **M.A No. 1787 of 2017 with M.A. No. 1788 of 2017** Heard. M.A. No. 1787 of 2017 is allowed and the delay in filing restoration application is condoned. Restoration Application bearing No.1788 of 2017 is allowed, subject to payment of cost of Rs.1000/-, which shall be deposited by the applicant within a period of one week and the same shall be remitted by the Registry to AFT Bar Association for its Library. On deposit of cost as directed above, the case shall be restored on its original number. Parties' counsel state that pleadings in this case are complete. List this case on **11.09.2018** for hearing. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** JPT

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

O.A. No. 01 of 2016

Shyam Sunder Mishra 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Rohit Kumar, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents. Learned counsel for the applicant submits that he does not intend to file any supplementary rejoinder affidavit and the matter be listed for hearing. List this case on **06.09.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A. No. 403 of 2017

Col Harish Khangarot 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Col Y.R. Sharma (Retd), Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents. Learned counsel for the applicant has informed that the counter affidavit has been filed and the file is ripe for hearing. List this case on **09.08.2018** for hearing. The respondents shall also produce the original records relating to this case on the date fixed. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A. No. 315 of 2018

Anand Kumar Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Learned counsel for the applicant submits that he shall file an application for amendment for certain corrections in the O.A. and hence hearing of the case may be adjourned. List this case on **12.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

M.A. No. 2784 of 2016 Inre: O.A. No. Nil of 2016

Mohd Idu Ansari 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R.C. Dixit, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Learned counsel for the applicant has challenged the dismissal of the applicant, which took place in the year 1995. On the earlier date we had directed the learned counsel for the applicant to file the statutory petition filed by him earlier challenging the dismissal order of the applicant, but the same has not yet been filed. Learned counsel for the applicant prays for time to get the same on record. List this case on **06.09.018** for consideration of application for condonation of delay in filing the O.A. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A. No. 120 of 2017

VP 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Ms Poonam Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. Arguments heard and concluded. Judgment **reserved**. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A. No. 282 of 2017

Lt Col Harshwardhan 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Vivek Raj Singh, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents. As requested on behalf of learned counsel for both the parties, list this case on **09.08.2018** for hearing. The respondents shall also produce the original records relating to this case on the date fixed. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A. No. 427 of 2017

Prem Kumar Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Sharad Kumar Shukla, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. Adjournment is prayed on behalf of the applicant. List this case on **17.09.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A. No. 447 of 2017

Vikas 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**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Adjournment is prayed on behalf of the applicant. List this case on **17.09.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A. No.686 of 2017

Azaz Noor Khan Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Manoj Kumar, Advocate holding brief of Shri Ashok Kumar, Ld. Counsel for the applicant and Shri A.K. Gupta, Ld. Counsel for the respondents. Shri Manoj Kumar, Advocate holding brief of Shri Ashok Kumar, Ld. Counsel for the applicant prays for adjournment. List this case on **11.09.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

O.A. No. 79 of 2018

Smt Raj Kumar (Deceased)
Through Ashok Kumar & another Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri B.B. Tripathi, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents. Counter affidavit filed on behalf of the respondents in the Registry is taken on record. Learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit. List this case on **10.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

T.A. No. 22 of 2016

Lal Chand Ram Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents. Learned counsel for the respondents prays for time to file better counter affidavit because it is submitted that on the basis of instructions received it does not reveal as to whether the petitioner has been dismissed from service or not. This point is necessary for the just decision of the case. List this case on **10.09.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** JPT

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

Ex-A No. 136 of 2018 Inre: O.A. No. 268 of 2018

Nand Lal 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents. **Ex-A No. 136 of 2018** This is a fresh application for execution of the order dated 22.05.2018 passed in O.A.No. 268 of 2018, whereby a direction was given to the respondents to dispose of the pending representation of the applicant. Learned counsel for the respondents prays for and is granted four weeks' time to seek instructions and to explain as to why the order under execution has not been complied with. List this case on **24.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

M.A No. 1344 of 2018 Inre: O.A. No. 39 of 2018

Vijay Narayan 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Ms Amrita Chakraborty, Ld. Counsel for the applicant and Shri VPS Vats, Ld. Counsel for the respondents. **M.A No. 1344 of 2018** This is an application moved by the learned counsel for the respondents (in the O.A.) for seeking additional time for implementation of the order dated 09.01.2018 passed by this Tribunal. Learned counsel for the applicant submits that he has received the copy today. Learned counsel for the respondents submits that the policy and the table of pension admissible to Hony Naib Sub. has to be corrected which shall take a long time. Keeping in view the lengthy process involved, we allow this application and grant further two months' time from today to the respondents. List this case on **26.09.2018** for orders. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** PKG

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

T.A. No. 35 of 2017

Smt Urmila Devi Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: None is present on behalf of the petitioner. Shri Amit Jaiswal, Ld. Counsel for the respondents is present. This Transferred Application has been received by transfer from Hon'ble High Court of Judicature at Allahabad vide order dated 16.05.2017. The said order reads as under : *"Mr. Shailendra Nauriyal, Advocate for the petitioner.* *Mr. Rajesh Sharma, Standing Counsel for the Union of India.* *The present lis is covered under Section 3(q) of the Central Administrative Tribunal.* *Accordingly, the Registry is directed to transmit the record to the Armed Forces Tribunal, Circuit Bench at Nainital within three weeks. The Tribunal thereafter, is requested to decide the case within a further period of three months.* *The writ petition is disposed of accordingly.* *Pending applications also stand disposed of."* List this case on **02.08.2018** for orders at Circuit Bench, Nainital. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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{See rule 11(1)}
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C.A No. 05 of 2018 Inre: O.A. No. 416 of 2017

Naresh Kumar Verma Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. **C.A No. 05 of 2018** This is an application for contempt of the order dated 15.11.2017 passed by this Tribunal in O.A.No.416 of 2017. Virtually the prayer of the applicant is for non execution of the order, but without moving an application for execution of the order, the applicant has directly moved an application for contempt. Learned counsel for the applicant prays for and is granted two weeks' time to show how it is maintainable. List this case on **27.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

D.Y. No. 1619 of 2017 with M.A. No. 2174 of 2017
Inre: O.A. No. Nil of 2017

Bharat 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents. Learned counsel for the applicant prays for and is granted two weeks' time to bring on record certain documents. List this case on **21.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

D.Y. No. 2373 of 2017 Inre: O.A. No. Nil of 2017

Smt Ram Murti Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Dr Gyan Singh, Advocate on behalf of the respondents is taken on record. Present: Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr Gyan Singh, Ld. Counsel for the respondents. By means of this Original Application, the applicant prays for pension of her late husband, who was a civilian carpenter. Learned counsel for the respondents submits that the matter is cognizable by the Central Administrative Tribunal, Allahabad and this Tribunal has no jurisdiction to hear this matter. Shri Om Prakash Kushwaha, learned counsel for the applicant submits that this O.A. be dismissed as withdrawn. Accordingly, this O.A. is dismissed as withdrawn. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** PKG

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

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

Raj Bahadur Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Learned counsel for the respondents submits that in this case the order under execution has been complied with as the RSMB has already been conducted and the cost has also been deposited. Learned counsel for the applicant submits that the applicant has not been communicated with the outcome of the RSMB. List this case on **30.08.2018** for filing report of the RSMB by the learned counsel for the respondents. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

M.A. No. 1348 of 2018 Inre: O.A. No. Nil of 2018

APS Tomar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. **M.A. No. 1348 of 2018** This is an application for condonation of delay filed by the applicant to quash the dismissal order dated 20.04.2011 and to consider the applicant for service pension. As per office report, it is delayed by 06 years, 08 months & 14 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1349 of 2018 Inre: O.A. No. Nil of 2018

Dharmendra Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. **M.A. No. 1349 of 2018** This is an application for condonation of delay filed by the applicant to quash the dismissal order dated 20.10.2014 and to consider the applicant for service pension. As per office report, it is delayed by 03 years, 02 months & 14 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1350 of 2018 Inre: O.A. No. Nil of 2018

Smt Usha 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. **M.A. No. 1350 of 2018** This is an application for condonation of delay filed by the applicant for grant of special family pension. As per office report, it is delayed by 05 years, 02 months & 17 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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M.A. No. 1351 of 2018 Inre: O.A. No. Nil of 2018

Vinod Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Mohd Zafar Khan, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Virat Anand Singh, Ld. Counsel for the applicant and Mohd Zafar Khan, Ld. Counsel for the respondents. **M.A. No. 1351 of 2018** This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 25 years, 04 months & 12 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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M.A. No. 1356 of 2018 Inre: O.A. No. Nil of 2018

Kalawati 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Virendra 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. Present: Shri Jai Prakash Singh, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents. **M.A. No. 1356 of 2018** This is an application for condonation of delay filed by the applicant for grant of family pension. As per office report, it is delayed by 04 years, 02 months & 28 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **24.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1359 of 2018 Inre: O.A. No. Nil of 2018

Prem Sagar Tiwari 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Dr. Chet Narayan 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. Present: Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents. **M.A. No. 1359 of 2018** This is an application for condonation of delay filed by the applicant for payment of retiral benefits. As per office report, it is delayed by 01 year, 07 months & 04 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **25.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

O.A. No. 328 of 2018

Brij Bhushan 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. **O.A. No. 328 of 2018** This Original Application has been filed by the applicant to direct the respondents to take the applicant on the strength of Army by allowing him to join his BEG Centre, Roorkee and to proceed as per law. Learned counsel for the applicant submits that vide Tribunal's order dated 05.12.2017, directions were issued to the respondents to permit the applicant to take in the strength of the Army and proceed as per law. He further submits that the applicant reported in the BEG Centre Roorkee twice but he was not allowed to join the duty by the authority concerned. Learned counsel for the respondents prays for and is granted two weeks time to seek instructions from the authority concerned and bring on record the correct facts of the case. List this case on **10.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

O.A. No. 329 of 2018

Surendra Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.A. Singh, Ld. Counsel for the applicant and Mrs. Deepti P Bajpai, Ld. Counsel for the respondents and Maj Salen Xaxa, Departmental Representative. **O.A. No. 329 of 2018** This Original Application has been filed by the applicant with the prayer to decide his Observation (Dispute Form) by reimbursing the difference of amount of salary for the promoted rank of Naib Subedar and Subedar from 26.03.2007, which is pending with the respondents. With the consent of learned counsel for the parties, we hereby dispose of the O.A. finally with the direction to the respondents to decide the pending Observation (Dispute Form) of the applicant in accordance with rules & regulations of the Army within a period of three months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly. With the aforesaid direction, the Original Application is **disposed of** finally. Let a copy of this order be provided to learned counsel for the respondents within 48 hours, free of cost for onward transmission. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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Ex-A No. 133 of 2018 Inre: O.A. No. 354 of 2017

Ramapati Upadhya 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Ms. Appoli Srivastava, Advocate on behalf of the respondents is taken on record. Her name be shown as learned counsel for the respondents, when the case is next listed. Present: None for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. **Ex-A No. 133 of 2018** This is an application filed by the applicant for execution of order dated 28.08.2017 passed in O.A. No. 354 of 2017. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. List this case on **29.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

Ex-A No. 134 of 2018 Inre: O.A. No. 123 of 2010

Smt Durgawati 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
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri G.S. Sikarwar, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Virat Anand Singh, learned counsel for the applicant and Slhri G.S. Sikarwar, Ld. Counsel for the respondents. **Ex-A No. 134 of 2018** This is an application filed by the applicant for execution of order dated 05.01.2018 passed in O.A. No. 123 of 2010. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. List this case on **25.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4

{See rule 11(1)}

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

Ex-A No. 135 of 2018 Inre: T.A. No. 619 of 2010

Ram Yash Singh Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Col Y.R. Sharma (Retd), learned counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. **Ex-A No. 135 of 2018** This is an application filed by the petitioner for execution of order dated 08.11.2017 passed in T.A. No. 619 of 2010. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. List this case on **20.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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M.A. No. 1352 of 2018 with M.A. No. 1353 of 2018
Inre: O.A. No. 639 of 2017

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

Versus

Rishi Pal Singh Respondent-Applicants
By Legal Practitioner for Respondent-Applicants

Notes of the Registry	Orders of the Tribunal
	24.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Amit Jaiswal, Ld. Counsel for the applicant-respondents. **M.A. No. 1352 of 2018** 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 15.01.2018, passed by this Court in O.A. No. 639 of 2017. This application has been filed by the applicant after a period of limitation. As per stamp reporter's report, there is delay of 05 months & 04 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 shall be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under: *"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."*

	The Hon'ble Supreme Court further observed as under : "Since *the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation …….They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings".* In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected. **M.A. No 1353 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 BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** SB

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

R.A No. 43 of 2018 Inre: O.A. No. 246 of 2015

Shamim Khan Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. The applicant has filed this Review Application under Rule 18 (2) of the Armed Forces Tribunal (Procedure) Rules, 2008 along with an application for condonation of delay. By means of this application, the applicant has prayed that the judgment and order dated 09.08.2017 passed by Hon'ble Tribunal in O.A. No 246 of 2015, Shamim Khan vs Union of India & Ors may kindly be reviewed and pass other order which may deem fit, just and proper in favour of the applicant. As per stamp reporter's report, the application is delayed by 10 months and 19 days in filing review application. Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 postulates that no application shall be entertained beyond the period of thirty days from the date of receipt of copy of the order sought to be reviewed. Review Application No. 42 of 2018 seeks review of the order dated 09.08.2017 passed in O.A. No. 246 of 2015 by the Bench comprising of Mr. Justice D.P Singh, Member (J) and Hon'ble Air Marshal Anil Chopra, Member (A) who have since been retired. Admittedly, the Review Application has been filed beyond the period of 30 days; as such it is not entertainable. We have gone through the grounds and reasons indicated in the affidavit filed in support of the application for condonation of delay. In our considered opinion, the grounds urged in support of the application do not appear to be germane; rather they are casual in nature and each day's delay has not been explained. The application for condonation of delay (M.A. No. 1369 of 2018), therefore, has no force. We have gone through the order sought to be reviewed and the

	Review Application, which is time-barred. By means of order dated 09.08.2017 the following order was passed:- "*9. Accordingly, in the facts and circumstances of the case, we are of the considered view that the Ld. Counsel for the applicant has come for justice after a delay of 48 years by when all service records have been weeded out. Also considering the case on merits, based on available documents we converge to the view that the petition is devoid of merits.* *10. In the result, the O.A. is dismissed on the ground of delay and latches as also being devoid of merits."* Ld. Counsel for the applicant submits that the applicant was discharged under Item IV, Rule 13 (3) of the Army Rules, 1954 as undesirable soldier in SHAPE-I. In order to determine whether there was adequate material to discharge the applicant as undesirable soldier, perusal of record was necessary. Since he has come to the Court after 48 years, the O.A. was dismissed on this ground that the records have been weeded out. Even from the grounds taken therein, no illegality or irregularity or error apparent on the face of record has been shown to us so as to review the aforesaid order of this Court. We are of the considered view that there is no error apparent on the face of record in the impugned order dated 09.08.2017, which may be reviewed in exercise of review jurisdiction. Accordingly, the application for condonation of delay (M.A. No. 1369 of 2018) as well as Review Application No. 42 of 2018 are hereby **rejected**. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

Court No.1

Ex-A No. 194 of 2017 Inre: O.A. No. 99 of 2016

Kishan Kumar Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S.C. Kushwaha, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents. On 13.07.2018 Ld. Counsel for the respondents informed that in pursuance to order under execution, requisite PPO has been issued and he prayed for time to place the PPO on record. The information given on last date was incorrect. The PPO has not yet been issued. Today Ld. Counsel for the respondents again prays for further time to bring PPO on record. Learned counsel for the respondents is granted two weeks' time to bring the PPO on record subject to payment of cost of Rs. 15,000/- which shall be deposited in the Registry and shall be released to the applicant through cheque. Ld. Counsel for the respondents Shri Kaushik Chatterjee has submitted that this is an application for execution and provisions of CPC shall apply in such execution cases; therefore, the Tribunal can attach the Bank accounts of the respondents to recover the amount, which the applicant is entitled to claim under execution. He has further submitted that he is giving his consent for the said purpose and the applicant be directed to furnish the details of the amount, to which he is entitled to claim from the respondents. In view of the aforesaid submissions, we hereby direct the learned counsel for the respondents to furnish the details of the Bank accounts of the respondents so that the attachment order, whenever required, may be passed to recover the amount under execution. List this case on **24.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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M.A. No. 38 of 2018 Inre: O.A. No. Nil of 2018

Indra Dev Singh Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that the applicant had filed Writ Petition No 32298 of 1998 before High Court of Judicature at Allahabad which was transferred to this Tribunal and re-numbered as T.A. No. 74 of 2013 which was disposed of vide order dated 03.09.2015. List this case on **11.09.2018** along with T.A. No. 74 of 2013 for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

M.A No. 856 of 2018 Inre: O.A. No. Nil of 2018

Shiv 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri D.S. Tiwari, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents. **M.A No. 856 of 2018** This is an application for condonation of delay in filing the original application which is delayed by 11 years 06 months and 17 days. By means of this Original Application, the applicant has prayed for grant of pension of the rank of Hony Nb Sub which is recurring cause of action. The reasons given in application for condonation of delay seem to be genuine. Application for condonation of delay is **allowed** and delay in filing the original application is condoned. Objection raised by learned counsel for the respondents is rejected. **Admit.** Let the case be registered as O.A. Ld. Counsel for the respondents is granted four weeks' time to file counter affidavit to which Ld. Counsel for the applicant may file rejoinder affidavit within next two weeks. List this case on **18.09.2018** for orders in the Registrar Court. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

O.A. No. 118 of 2017

Smt Rajwati Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents. List revised. Neither the applicant nor his counsel is present to argue the case in second round after pass over nor there is any request to adjourn the case. O.A. No. 118 of 2017 is **dismissed** for non prosecution. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A. No. 436 of 2017

Murari Lal 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Rejoinder affidavit has not been filed by Ld. Counsel for the applicant. In the interest of justice, the case is adjourned. List this case on **26.09.2018** for orders. In the meantime, Ld. Counsel for the applicant shall file rejoinder affidavit. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A. No. 629 of 2017

Vishnu Deo Tiwari 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Shiv Kant Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that the pleadings are complete and the case is ripe for hearing. List this case on **06.09.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A. No. 58 of 2018

Ashok Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Shiv Kant Pandey, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that the pleadings are complete and the case is ripe for hearing. List this case on **06.09.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A. No. 20 of 2018

Virendra Kumar Mishra 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that he shall file counter affidavit in the Registry during course of the day after serving copy to Ld. Counsel for the applicant. List this case on **10.08.2018** for hearing. In the meantime, Ld. Counsel for the applicant may file rejoinder affidavit. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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O.A. No. 93 of 2018

Nagesh Bahadur Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents. Ld. Counsel for the applicant prays for and is granted four weeks' time to file supplementary rejoinder affidavit. As prayed, list this case on **07.09.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

T.A. No. 1065 of 2010 alongwith T.A. No. 1103 of 2010

R N Mishra Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Bhasker Pratap Dubey, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. By means of this petition the petitioner has claimed for compensation of family accommodation. During the course of hearing he has mentioned various dates. Ld. Counsel for the respondents is directed to bring on record chart of date and policy vide which the petitioner was allowed to retain family accommodation and subsequently ordered to vacate the accommodation. He will clarify whether such permission for retention was extended and on which date the order was finally passed for actual vacation of the accommodation. This transferred application pertains to the year 2009. We propose to decide the case as early as possible but Ld. Counsel for the petitioner has shown his inability to argue the case and prays to list the case on 09.08.2018. As prayed, list this case on **09.08.2018** for hearing. Copy of this order be provided to Ld. Counsel for the respondents free of cost within 48 hrs. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A. No. 274 of 2016

Rajendra Prasad 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Sanjay Pandey, Advocate holding brief for Shri BK Singh Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents. Shri Sanjay Pandey, Advocate submits that Shri BK Pandey, Ld. Counsel for the applicant is not present today and prays for adjournment. Accordingly, the case is adjourned. List this case on **07.09.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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O.A. No. 61 of 2017

Ram Badan Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Shri Kant Mishra Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents. Ld. Counsel for the respondents prays for and is granted further two weeks' time to seek instructions from the authorities concerned in pursuance to our order dated 05.07.2018. List this case on **13.08.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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O.A. No. 161 of 2017

Biresh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Shri Virendra Singh Ld. Counsel for the respondents. List revised. Neither the applicant nor his counsel is present to argue the case in second round after pass over nor there is any request to adjourn the case. O.A. No. 161of 2017 is **dismissed** for non prosecution. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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O.A. No. 433 of 2017

Smt Mithlesh Devi Alias Lali Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents. By means of this application the applicant has prayed for grant of family pension in respect of her deceased husband. Respondents have issued PPO dated 31.07.2015 in the name of Smt Lali Devi whereas the account of the applicant is in the name of Smt Mithlesh Devi. Because of this the applicant is not getting her family pension. Ld. Counsel for the respondents has filed counter affidavit and there is no dispute that Smt Mithlesh Devi and Smt Lali Devi are different ladies. It is also argued by Ld. Counsel for the respondents that no other lady has claimed family pension of the deceased soldier (Late) Maharaj Singh. Learned counsel for the applicant is directed to bring on record the documents to establish her identity that Smt Lali Devi and Mithlesh Devi is same lady. List this case on **16.08.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

O.A. No. 606 of 2017

Pankaj Kumar Sahu 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**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Shiv Shankar Singh, Ld. Counsel for the applicant and Shri Virendra Singh, Ld. Counsel for the respondents. Heard Ld. Counsel for the parties. Arguments concluded. Order reserved. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

T.A. No. 26 of 2016

Noor Ahmed Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri O.P. Kushwaha, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Ld. Counsel for the petitioner submits that he shall file rejoinder affidavit during course of the day. This petition pertains to the year 2009 and we intend to dispose the same as early as possible. List this case on **27.07.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

Ex-A No. 139 of 2018 Inre: T.A. No. 1283 of 2010

Inderjeet Kumar Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. **Ex-A No. 139 of 2018** On 20.04.2018 it was informed by the learned counsel for the respondents that in compliance of the order under execution, the Government has accorded sanction. Learned counsel for the respondents admits that the PPO has not yet been issued even after lapse of more than three months and prays for further time. Four weeks' further time is granted to the learned counsel for the respondents to file compliance report, subject to payment of cost of Rs.15,000/- to be deposited in the Registry by the date fixed, which shall be paid to the applicant. List this case on **30.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

Court No.1

Ex-A No. 158 of 2018 with M.A. No. 910 of 2018
Inre: T.A. No. 65 of 2016

Sanjay Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Vishwajeet Singh, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents. **Ex-A No. 158 of 2018** This is an application for execution of the order dated 22.03.2017 passed by the Tribunal in T.A.No. 65 of 2016. The operative portion of the said order reads as under : *"22. The petition deserves to be allowed. Accordingly, the petition is allowed. The impugned order of dismissal dated 26.6.1999, contained in Annexure No.6 and order dated 23.03.2000, rejecting the statutory appeal of the petitioner, contained in Annexure No.13 are set aside with all consequential benefits, which will be payable to the petitioner in accordance with the rules. Petitioner shall be treated in service from the date of dismissal and shall be deemed to be in continuous service for all practical purposes. Let consequential benefits be paid to the petitioner expeditiously, say, within a period of four months from the date of service/communication of the order."* The submission of the learned counsel for the petitioner is that the petitioner was directed to be reinstated and he has been granted consequential benefits. On behalf of the respondents, it is submitted that only direction was that the petitioner shall be treated in service and shall be deemed to be in continuous service, but there was no direction for reinstatement. Learned counsel for the petitioner prays for and is granted four weeks' time to argued on this point. It is also submitted by the learned counsel for the respondents that the petitioner be directed to provide all the necessary documents, so that necessary PPO may be issued. Learned counsel for the petitioner denied to furnish these documents till the issue of reinstatement is finalised. List this case on **21.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

Court No.1

Ex-A No. 55 of 2018 Inre: O.A. No. 316 of 2016

Jitender Ram 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents. On last date, the following order was passed: ***"Ex-A No. 55 of 2018*** *This is an application for execution of the order dated 30th August 2017 passed in O.A.No. 316 of 2016, whereby disability pension @ 50% for life was granted to the applicant and four months' time was granted for complying with the order, but the order has not yet been complied with even after lapse of 11 months.* *On the last date, cost of Rs.5000/- was imposed on the respondents and that has also not been deposited.* *Today no progress in this matter appears to have been made by the respondents. This is a very negligent behaviour on the part of the respondents in the matter of execution.* *In the interest of justice, we hereby adjourn the case, subject to payment of cost of Rs.15,000/- to be deposited by the respondents in the Registry, which shall be paid to the applicant by the date fixed. The entire cost of Rs.15,000/- including the earlier cost of Rs.5000/- prior to the date, shall also be paid to the applicant.* *List this case on **25.07.2018** for orders."* Even today, neither the cost has been deposited nor the order has been complied with by the learned counsel for the respondents and further adjournment has been prayed. Four weeks' further time is granted to the learned counsel for the respondents to file compliance report, subject to payment of additional cost of Rs.15,000/-, which must be deposited in the Registry by the date fixed and the same shall be paid to the applicant. List this case on 27**.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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{See rule 11(1)}
ORDER SHEET
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Ex-A No. 78 of 2018 Inre: O.A. No. 651 of 2017

Sham Lal 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents. **Ex-A No. 78 of 2018** This is an application for execution of the order dated 24.01.2018 passed in O.A.No. 651 of 2017, whereby a direction was given to the respondents to dispose of the statutory petition of the applicant. It is submitted by the learned counsel for the respondents that as per instructions received by him, the said statutory petition has been disposed of. He prays for and is granted one week's time to file copy of the said order disposing the statutory petition of the applicant. List this case on **08.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
Ex-A No. 79 of 2018 Inre: O.A. No. 652 of 2017

Sham Lal 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri AN Tripathi, Ld. Counsel for the respondents. **Ex-A No. 79 of 2018** This is an application for execution of the order dated 24.01.2018 passed in O.A.No. 652 of 2017, whereby a direction was given to the respondents to dispose of the statutory petition of the applicant. It is submitted by the learned counsel for the respondents that as per instructions received by him, the said statutory petition has been disposed of. He prays for and is granted one week's time to file copy of the said order disposing the statutory petition of the applicant. List this case on **08.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

Ex-A No. 81 of 2018 Inre: O.A. No. 293 of 2017

Jhaboo Lal 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**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None appears for the applicant. Shri A.N. Tripathi, Ld. Counsel for the respondents is present. Learned counsel for the respondents prays for and is granted four weeks' time to file compliance report. List this case on **07.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

M.A No. 1897 of 2016 Inre: O.A. No. 67 of 2015

Md Shoharab 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**
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Ms Deepti P. Bajpai, Ld. Counsel for the respondents. Col YR Sharma, Advocate submits that he shall file power on behalf of the applicant and prays for and is granted two weeks' time for the said purpose. List this case on **05.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

M.A No. 2289 of 2017 Inre: O.A. No. Nil of 2017

Darwan 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri D.S. Tiwari, Ld. Counsel for the applicant and Shri Md Zafar Khan, Ld. Counsel for the respondents. **M.A No. 2289 of 2017** This is an application for condonation of delay in filing the O.A. The grounds shown in the affidavit filed in support of the applicant seem to be justified. Accordingly, the application is allowed and the delay in filing the O.A. is hereby condoned. Having heard the learned counsel for the parties, we find that it is a fit case for adjudication. **Admit.** Let the case be registered as O.A. 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 the learned counsel for the applicant within two weeks thereafter. List this case on **25.09.2018** for orders. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** PKG

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M.A. No. 1363 of 2018 Inre: O.A. No. Nil of 2018

Mohd Sagir 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: The applicant in person and Shri Rajiv Pandey, Ld. Counsel for the respondents. **M.A. No. 1363 of 2018** This is an application for condonation of delay filed by the applicant for rounding off of disability pension. As per office report, it is delayed by 12 years & 21 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **25.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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Court No.1

M.A. No. 1364 of 2018 Inre: O.A. No. 335 of 2018

Shyam Lal 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Dinesh Kumar 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. Present: Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Dinesh Kumar Pandey, Ld. Counsel for the respondents. **M.A. No. 1364 of 2018** This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 23 days in filing the Original Application. Learned counsel for the respondents submits that he does not intend to file any objection on application for condonation of delay. Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned. Having heard learned counsel for the parties, we find that this is a fit case for adjudication. **Admit.** Let the case be registered as O.A. **O.A. No. 335 of 2018** Learned counsel for the applicant submits that the applicant has preferred several applications/representations on 30.05.2018, 24.04.2018, 28.03.2018 & 10.01.2018 to the respondents but the same have not yet been disposed of by the competent authority. Learned counsel for the respondents submits that the applicant has submitted only simple applications/representations and not First Appeal. With the consent of learned counsel for the parties, we hereby **dispose of** the Original Application at the admission stage with the direction to the

	applicant to prefer First Appeal before the competent authority within 15 days from today and the same shall be disposed of by the competent authority by a speaking and reasoned order in accordance with law within a period of two months from the date of receipt of Appeal and communicate the decision to the applicant accordingly. Let a copy of this order be provided to learned counsel for the respondents within 48 hours, free of cost for onward transmission. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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M.A. No. 1365 of 2018 Inre: O.A. No. Nil of 2018

Satyendra Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. **M.A. No. 1365 of 2018** This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 15 years, 04 months & 21 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **27.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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M.A. No. 1366 of 2018 Inre: O.A. No. Nil of 2018

Uday Bir Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. **M.A. No. 1366 of 2018** This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 37 years, 03 months & 08 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **27.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1367 of 2018 Inre: O.A. No. Nil of 2018

Narayan Bahadur Khattri Chhetri Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. **M.A. No. 1367 of 2018** This is an application for condonation of delay filed by the applicant for payment of amount of recovery made from pay & allowance of the applicant. As per office report, there is no delay, however, learned counsel for the applicant has filed application for condonation of delay in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **27.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1368 of 2018 Inre: O.A. No. Nil of 2018

Hira 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. **M.A. No. 1368 of 2018** This is an application for condonation of delay filed by the applicant for pensionary benefits. As per office report, it is delayed by 12 years & 21 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

Ex-A No. 137 of 2018 Inre: T.A. No. 107 of 2011

Lekh Raj Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Mohd Zafar Khan, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri Yash Pal Singh, Ld. Counsel for the petitioner and Mohd Zafar Khan, Ld. Counsel for the respondents. **Ex-A No. 137 of 2018** This is an application filed by the petitioner for execution of order dated 27.02.2018 passed in T.A. No. 107 of 2011. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. Learned counsel for the respondents shall also file an affidavit stating the diary of action, date-wise as to when the Record Office received the order and what all action which are critical for implementation have been initiated date-wise to implement the order. List this case on **12.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

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

Babu Ram 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Anurag Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri K.K. Misra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. **Ex-A No. 138 of 2018** This is an application filed by the applicant for execution of order dated 25.08.2016 passed in O.A. No. 243 of 2015. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. The respondents shall also file an affidavit indicating the diary of action, which should include when the order was received at Record Office, what all critical action were required to implement the order & date-wise details of these critical actions to implement the order. List this case on **24.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

Ex-A No. 139 of 2018 Inre: O.A. No. 409 of 2017

Gajender 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
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Dr. S.N. Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri K.K. Misra, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents. **Ex-A No. 139 of 2018** This is an application filed by the applicant for execution of order dated 23.11.2017 passed in O.A. No. 409 of 2017. Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and to file compliance report explaining as to why the order under execution has not been complied with. The respondents shall also file an affidavit indicating the diary of action, which should include when the order was received at Record Office, what all critical action were required to implement the order & date-wise details of these critical actions to implement the order. List this case on **24.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1361 of 2018 with M.A. No. 1362 of 2018
Inre: O.A. No. 121 of 2017

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

Versus

Bishwanath Mishra Respondent-Applicants
By Legal Practitioner for Respondent-Applicants

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Rajiv Pandey, Ld. counsel for the applicant-respondents. **M.A. No. 1361 of 2018** 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 06.12.2017, passed by this Court in O.A. No. 121 of 2017. This application has been filed by the applicant after a period of limitation. As per stamp reporter's report, there is delay of 06 months & 16 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 shall be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under: *"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."*

The Hon'ble Supreme Court further observed as under :

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

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

M.A. No 1362 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 BBP Sinha)
Member (A)

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

SB

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

M.A. No. 1370 of 2018 with M.A. No. 1371 of 2018
Inre: O.A. No. 87 of 2016

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

Versus

Diwan Singh Respondent-Applicants
By Legal Practitioner for Respondent-Applicants

Notes of the Registry	Orders of the Tribunal
	25.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Bhanu Pratap Singh, Ld. counsel for the applicant-respondents. **M.A. No. 1370 of 2018** 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 23.04.2018, passed by this Court in O.A. No. 87 of 2016. This application has been filed by the applicant after a period of limitation. As per stamp reporter's report, there is delay of 01 month & 25 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 shall be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under: *"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."

The Hon'ble Supreme Court further observed as under :

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

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

M.A. No 1371 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 BBP Sinha)
Member (A)

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

SB

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

Ex-A No. 28 of 2018 Inre: O.A. No. 244 of 2016

Sanjay Thakur 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
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri K.K.S. Bisht Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. Learned counsel for the respondents has produced before us two orders of discharge of the applicant from the Military Hospital, which reflects that RSMB of the applicant in pursuance of the order under execution has been conducted. Learned counsel for the respondents prays for and is granted four weeks' time to file compliance report as the PPO has already been issued. List this case on **28.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

Form No. 4

{See rule 11(1)}

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

Ex-A No. 62 of 2018 Inre: O.A. No. 96 of 2017

Col Surajit Basu 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
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the applicant and Ms Appoli Srivastava, Ld. Counsel for the respondents. Learned counsel for the respondents submits that SLP against the order under execution has been preferred by the respondents before the Hon'ble Apex Court and the matter is likely to be taken up in the next week. However, learned counsel for the applicant submits that he has filed a caveat and as per his information, the SLP is likely to be taken up on 10.08.2018. List this case on **17.08.2018** for orders, awaiting out-come of the said SLP. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

Court No.1

M.A No. 1842 of 2017 Inre: M.A. No. 1095 of 2017

Akhilesh Kumar Tripathi Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. **M.A No. 1842 of 2017** This is an application for recall of the order dated 11.10.2017 passed by this Tribunal dismissing the O.A. for want of prosecution. The application for recall has already been allowed vide order dated 31.10.2017 subject to payment of cost of Rs.500/-. It appears from perusal of the office report that the cost of Rs.500/- imposed by the said order has not yet been deposited by the learned counsel for the applicant. Learned counsel for the applicant prays for and as a last opportunity is granted four weeks' time to deposit the cost positively. List this case on **20.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

Court No.1

O.A No. 526 of 2017

Smt Radha Devi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri K.K.S. Bisht, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents. Learned counsel for the respondents submits that he shall file the counter affidavit in the Registry during the course of the day, copy of which has already been provided to the learned counsel for the applicant. List this case on **31.08.2018** for orders. Meanwhile, rejoinder affidavit may be filed by the learned counsel for the applicant. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

T.A. No. 06 of 2017

Smt Urmila Devi Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None is present on behalf of the petitioner. Shri A.K. Sahu, Ld. Counsel for the respondents. Is present. In pursuance of our earlier order, list of the legal heirs of the petitioner has been filed by the learned counsel for the respondents. Earlier Civil Misc. Writ Petition No.12787 of 2002 has been filed before the Hon'ble High Court of Judicature at Allahabad, which vide order dated 25.11.2016, has been transferred to this Tribunal. Thereafter notice was issued to the petitioner on 30.11.2017, which has been received back from concerned post office unserved with the remarks "MRITIYU HO GAI PRESHAK KO VAPAS". Since no substitution application has been moved by the legal heirs of the petitioner, therefore, this O.A. stands abated. Accordingly, this O.A. is dismissed as abated. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** PKG

26.07.2018
Hon'ble Mr. Justice S.V.S. Rathore, Member (J)
Hon'ble Air Marshal BBP Sinha, Member (A)

Present: Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.

M.A No. 1842 of 2017

This is an application for recall of the order dated 11.10.2017 passed by this Tribunal dismissing the O.A. for want of prosecution.

The application for recall has already been allowed vide order dated 31.10.2017 subject to payment of cost of Rs.500/-.

It appears from perusal of the office report that the cost of Rs.500/- imposed by the said order has not been deposited by the learned counsel for the applicant.

The grounds shown in the affidavit filed in support of the recall application seem to be sufficient.

Accordingly, the application is allowed and the order dated 11.10.2017 is hereby recalled, subject to payment of cost of Rs.1000/- to be paid to the Bar Association, AFT, Lucknow within a week from today.

M.A. No. 1095 of 2017

This is an application for condonation of delay in filing the O.A.

The grounds shown in the affidavit filed in support of the applicant seem to be justified.

Accordingly, the application is allowed and the delay in filing the O.A. is hereby condoned.

Having heard the learned counsel for the parties, we find that it is a fit case for adjudication.

Admit.

Let the case be registered as O.A.

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 the learned counsel for the applicant within two weeks thereafter.

List this case on **20.09.2018** for orders.

(Air Marshal BBP Sinha)
Member (A)

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

PKG

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

Ex-A No. 27 of 2018 Inre: O.A. No. 297 of 2017

Bijai Bahadur Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Advocate holding brief for Shri Yash Pal Singh, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents. In this case PPO has already been issued. Shri R. Chandra, Advocate submits that Ld. Counsel for the applicant is not present and he is not aware whether the amount has been paid to the applicant or not. List this case on **09.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

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

Mahendra 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**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. On 03.07.2014, O.A. No. 49 of 2014 was dismissed for non prosecution and recall application was filed by Shri PN Chaturvedi, Ld. Counsel for the applicant who has since been expired. Notice sent to the applicant has been served upon the applicant but applicant is not present. It shows that applicant is not interested to pursue his case. Accordingly, the case is **dismissed** for non prosecution. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

O.A No. 121 of 2015 with M.A. No. 1238 of 2018

Smt Priyanka Mishra 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
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. List revised. Neither the applicant nor his counsel is present to argue the case in second round after pass over nor there is any request to adjourn the case. O.A. No. 121 of 2015 is **dismissed** for non prosecution. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 221 of 2015

Smt Moti Singh 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**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Neeraj Singh son of the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. Shri Neeraj Singh son of the applicant submits that his counsel is not present today and prays for adjournment. Accordingly, the case is adjourned. List this case on **23.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 214 of 2016 with M.A. No. 478 of 2018
M.A. No. 462 of 2018

Smt Rajni Verma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S.K. Malviya, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents. **M.A. No. 478 of 2018** This is an amendment application by means of which applicant has prayed for change of date of the PPO. Copy of this amendment application has been served upon respondent No 2 today in the court. Ld. Counsel for the respondents submits that he does not intend to file any objection as this amendment will not change the nature of the application and will help in adjudication of the case. Amendment application is **allowed**. M.A. aforesaid is disposed of accordingly. Ld. Counsel for the applicant is direct to carry out proposed amendment within a week. Ld. Counsel for the applicant prays for and is granted two weeks' time to file certain documents by means of supplementary rejoinder affidavit. List this case on **17.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 129 of 2013

Rajendra 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**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.P. Pandey and Shri RP Shukla, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents. Head Ld. Counsel for the applicant. Argument continued. List this case on **09.08. 2018** for further hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 109 of 2014

Mukesh Kumar 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
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Shri R. Chandra, Ld. Counsel for the applicant submits that his senior Col (Retd) R.N. Singh is not available today and prays for adjournment of the case. In the interest of justice the case is adjourned. List this case on **24.08.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 144 of 2016

Rajendra Prasad Pal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S.K. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Heard Ld. Counsel for the parties. Arguments concluded. Order reserved. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

O.A No. 220 of 2016

Radhey Shyam 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**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S.K. Singh, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents. Ld. Counsel for the applicant prays for time to file supplementary rejoinder affidavit in the Registry during course of the day. Ld. Counsel for the respondents submits that direction may be issued to Record Office, Rajput Regimental Centre, C/o 56 APO and PAO (OR), The Rajput Regiment, Fatehgarh, to explain controversy involved in this case as the controversy relates to financial entitlements and taking of related part II orders. Thus, we direct that one responsible officer each from the Record Office and also from PAO (OR), Rajput Regiment, Fatehgarh shall remain present in the Tribunal to assist the Court on the date fixed. List this case on **29.08.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. Copy of this order be provided to Ld. Counsel for the respondents within 48 hrs free of cost for further communication to ensure the presence of the officers as prayed. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

O.A No. 111 of 2017

Raj Kumar Verma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R. Chandra, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. Ld. Counsel for the applicant prays for and is granted four weeks' further time to seek instructions from his client in terms of order dated 24.05.2018. As prayed, list this case on **03.09.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

O.A No. 117 of 2017

Col Puran Chandra Lohani (Retd) 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
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S.G. Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. On 09.05.2018 respondents were directed to produce original medical documents pertaining to the case but the same have not been submitted till date. Today Ld. Counsel for the respondents submits that Army Headquarters MP (5 & 6) has not provided the relevant medical documents pertaining to case, hence we are unable to produce the same. He further submits that outcome of the Medical Board has been mentioned in the counter affidavit. Heard learned counsel for the parties. Arguments concluded. Order reserved. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

O.A No. 529 of 2017

Devender 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**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. In this case counter affidavit was to be filed today by learned counsel for the respondents. Learned counsel for the respondents submits that counter affidavit was sent to Maj Bibhor Mishra, Adm Officer of the unit concerned for signature alongwith its enclosures three months back but inspite of repeated requests, the same has not been received back. He further submits that unit officer is not co-operating. It is submitted that counter affidavit has been signed but the annexures have not been signed, due to which he is unable to file counter affidavit inspite of his best efforts. Let a copy of this order be sent to D JAG (Litigation), HQ Central Command for perusal and necessary action. List this case on **11.09.2018** for orders. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** Ukt

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

T.A. No. 06 of 2013

Zamir Ahmad Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the petitioner and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. Shri Bhanu Pratap Singh, Chauhan, Advocate, submits that his senior Col RN Singh (Retd) is not available today and prays for adjournment of the case. Accordingly, the case is adjourned. List this case on **24.08.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

T.A. No. 80 of 2016

Anoop Kumar Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Ram Dheeraj Yadav, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents. Learned counsel for the petitioner submits that he is not prepared to argue the case today and prays for adjournment of the case. Accordingly, the case is adjourned. List this case on **13.09.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. Learned counsel for the parties shall file case laws/synopsis of the case by the date fixed. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

M.A. No. 1373 of 2018 Inre: O.A. No. Nil of 2018

Beer Bahadur Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Parijaat Belaura, Ld. Counsel for the applicant and Mrs. Deepti P Bajpai, Ld. Counsel for the respondents. **M.A. No. 1373 of 2018** This is an application for condonation of delay filed by the applicant for the benefit of rounding off of disability pension. As per office report, it is delayed by 16 years, 02 months & 22 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **10.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1376 of 2018 Inre: O.A. No. Nil of 2018

Rajendra 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
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: Shri K.K. Misra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. **M.A. No. 1376 of 2018** This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 26 years, 11 months & 22 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **18.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

M.A. No. 1377 of 2018 Inre: O.A. No. Nil of 2018

Har Pal Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as learned counsel for the respondents, when the case is next listed. Present: Shri K.K. Misra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents. **M.A. No. 1377 of 2018** This is an application for condonation of delay filed by the applicant for grant of pension of Hony Naib Subedar rank. As per office report, it is delayed by 12 years & 23 days in filing the Original Application. Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter. List this case on **10.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

O.A. No. 336 of 2018

Ram Harsh 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
	23.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Shri Bhanu Pratap 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. Present: Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents. O**.A. No. 336 of 2018** This Original Application has been filed by the applicant being aggrieved by the order of denial of extension of 2 years service. Since the matter pertains to extension of service and its subsequent benefit of more pension for 2 years service, it is a recurring cause of action. Having heard learned counsel for the parties, we find this is a fit case for adjudication. **Admit.** 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 **20.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

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

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

Ganesh Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Sh Sanjay Mishra
Defence Secretary, IAS (WB-82) & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** 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. Present: Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. C**.A. No. 06 of 2018** This Contempt Application has been filed by the applicant for not execution of order dated 19.01.2018 by the respondents, passed by this Tribunal in O.A. No. 678 of 2017. In view of Section 19 of the Armed Forces Tribunal Act, 2007, at present no proceedings are pending. Since the Contempt Application has been filed under Section 19 of AFT Act, 2007, so prima facie, it appears to be not maintainable. Learned counsel for the applicant prays for and is granted four weeks time to argue on the maintainability of the Contempt Application without moving an Execution Application for execution of order dated 19.01.2018. List this case on **30.08.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** SB

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A. No. 1374 of 2018 with M.A. No. 1375 of 2018
Inre: M.A. No. 285 of 2015

Mahendra Kumar Tiwari 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
	26.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. Present: Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. **M.A. No. 1374 of 2018** 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 15.12.2015, passed by this Court in M.A. No. 285 of 2015. This application has been filed by the applicant after a period of limitation. As per stamp reporter's report, there is delay of 02 years, 06 months & 08 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 shall be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under: *"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."*

The Hon'ble Supreme Court further observed as under :

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

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

M.A. No 1375 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 BBP Sinha)
Member (A)

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

SB

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

EX-A No. 24 of 2017 with M.A. No. 460 of 2018
T.A No. 93 of 2010

Prayag Singh Parihar Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri P.K. Shukla Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Lt Cdr Seema Chaudhary, Departmental Representative. Learned counsel for the respondents submits that PPO has been issued to the petitioner and the order under execution has been complied with. However, by means of supplementary affidavit, learned counsel for the petitioner has raised certain objections. It is submitted that from 01.07.2014, the petitioner has been granted disability pension @ Rs.5125/- p.m. It is also submitted that as per table, he was entitled to Rs.6188/- p.m. as service element of disability pension after completing 10 years of service on the rank held by the petitioner w.e.f. 01.07.2014. It has also been submitted by the learned counsel for the petitioner that in the corrigendum PPO issued by the respondents, disability element of disability pension of the petitioner in the past has been shown @ 40%, whereas the petitioner was receiving the disability element of disability pension only @ 20% , hence he will loose out on arrears. Learned counsel for the respondents prays for and is granted four weeks time to submit written submission on the objection raised by the learned counsel for the petitioner. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

Ex-A No. 26 of 2017 Inre: O.A No. 239 of 2015

Santosh Kumar Tiwari 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
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Lt Cdr Seema Chaudhary, Departmental Representative. **Ex-A No. 26 of 2017** This is an application for execution of the order dated 30.09.2016 passed in O.A.No. 239 of 2015 (Navy). It is submitted on behalf of the respondents that as per the RSMB, which was conducted on 21st April 2018, in pursuance of the order under execution, the disability percentage of the applicant was assessed at 20% for life. Learned counsel for the applicant submits that the order under execution has been complied with. Since the order under execution has been complied with, this Ex. Application has rendered infructuous and is accordingly dismissed. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

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

Jyoti Prakash Pandey Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri B.N. Chaubey, Ld. Counsel for the petitioner and Mrs Anju Singh, Ld. Counsel for the respondents alongwith Lt Cdr Chinmoy Sharma, Departmental Representative. Learned counsel for the respondents submits that in pursuance of the order under execution, PPO has been issued and a copy of the same has been provided to the petitioner, though after perusal of it, it is submitted that as per the order under execution, pension was to be granted for the first rank held by the petitioner, while the petitioner has been granted pension of Apprentice. Lt Cdr Chinmoy Sharma, Departmental Representative submits that the pension granted for the rank of Apprentice and SWA 5 is the same. He is directed to clarify the apprehension raised by the learned counsel for the petitioner by means of filing an affidavit. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** PKG

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

Court No.1

Ex-A No. 26 of 2018 Inre: T.A No. 178 of 2009

Sriram Pandey Petitioner

By Legal Practitioner for the Petitioner

Versus

Defence Secretary, Ministry of Defence, Govt of India Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Yash Pal Singh, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents respondents alongwith Lt Cdr Seema Chaudhary, Departmental Representative. It is submitted on behalf of the respondents that the Government has accorded requisite sanction and PPO has been issued. However, learned counsel for the petitioner submits that till date, the requisite PPO has not been issued. Regarding the RSMB, it has been submitted by the learned counsel for the respondents that letter in this regard has already been sent to the Command Hospital. Lucknow on 27.04.2018 to conduct the RSMB of the petitioner and the date of RSMB shall be communicated to the petitioner by the Military Hospital. Learned counsel for the petitioner submits that he has not received any communication for conducting the RSMB. Learned counsel for the respondents shall give a specific reply by filing an affidavit by the date fixed whether the RSMB has been conducted or not. It is a very sorry state of affairs on the part of the respondents that even after lapse of one year after the sanction order was passed by the Government, the CDA (P) has not issued the requisite PPO. We, therefore, impose a cost of Rs.15,000/- on the respondents, which shall be paid by the respondents and shall be recovered from the person responsible for the delay in issuing the PPO after receiving the sanction order of the Government. We hereby direct all the agencies to co-operate each other and shall ensure that the RSMB is conducted positively by the next date. List this case on **19.09.2018** for orders. Let a copy of this order be given to the learned counsel for the respondents within 24 hours free of cost for onward transmission. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

Form No. 4

{See rule 11(1)}

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

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

Dinesh Kumar Kushwaha Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None appears for the petitioner. Shri Mohd Zafar Khan, Ld. Counsel for the respondents alongwith Lt Cdr Seema Chaudhary, Departmental Representative is present. **Ex-A No. 29 of 2018** This is an application for execution of the order dated 01.10.2015 passed in T.A.No.837 of 2010. Learned counsel for the respondents prays for and is granted four weeks' further time to ensure complete compliance for payment of disability pension alongwith service element, failing which they will have to pay a cost of Rs.5000/-, which shall be deposited in the Registry and shall be paid to the petitioner. List this case on **19.09.2018** for orders. Let a copy of this order be given to the learned counsel for the respondents within 24 hours free of cost for onward transmission. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** PKG

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

O.A. No. 120 of 2017

Capt V.P. 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**
	27.07.2018 **Hon'ble Mr. Justice SVS Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** **Judgment pronounced.** **OA is allowed.** **For orders, see our judgment and order of date passed on separate sheets.** **(Air Marshal BBP Sinha)** **Member (A)** **(Justice SVS Rathore)** **Member (J)** **LN/-**

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

O.A. No. 685 of 2017

Ramesh Chand 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**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri B.B. Tripathi, Ld. Counsel for the applicant and Shri V.P.S. Vats, Ld. Counsel for the respondents. Counter affidavit filed by learned counsel for the respondents is taken on record. Learned counsel for the applicant submits that he does not intend to file rejoinder affidavit. Heard learned counsel for the parties. Arguments concluded. Order reserved. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

O.A. No. 126 of 2018

Nb Sub Pramod Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents **Notes of the Registry**	**Orders of the Tribunal**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Mohd. Zafar Khan, Ld. Counsel for the respondents. By means of this O.A., the applicant has made following prayer:- *"(a) To set-aside/quash the impugned discharge order dated 31.01.2018 (Annexure No A-1).* *(b) Issue/pass an order or direction of appropriate nature directing respondent to retain the applicant in service till completion of his extended tenure i.e. up to June 2019.* *(c) To set-aside/quash the Medical Board proceedings for alleged diagnosis 'Alcoholic Dependence Syndrome and conduct Review Medical Board for further assessment of present status of diagnosis 'Alcoholic Dependence Syndrome."* ***Interim Order, if any prayer for:*** *In view of the facts and circumstances of the case this Hon'ble Tribunal may be pleased to stay the operation and implementation of the impugned discharge order dated 31.01.2018 (Annex No A-1) restraining the respondents from discharging applicant w.e.f. 28.02.2018, in the interest of justice.* Learned counsel for the respondents submits that the applicant has made interim prayer for quashing discharge order dated 31.01.2018. Now he has already been discharged. Since, he has challenged the discharge+ order but he has not availed alternative remedy, hence this O.A. is not maintainable. Accordingly, the O.A. is **dismissed**. The applicant is directed to file representation before the

	competent authority stating his grievances within 15 days from today and the respondents shall decide the same within two months from the date of receipt of his representation by a reasoned and speaking order and communicate the decision to the applicant. **(Air Marshal BBP Sinha)** **Member (A)** **(Justice S.V.S. Rathore)** **Member (J)** ukt

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

T.A No. 15 of 2017

Bhupenda Singh Bhadauria Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the petitioner and Ms Appoli Srivastava, Ld. Counsel for the respondents. None is present on behalf of the petitioner. In the interest of justice, the case is adjourned. List this case on **18.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

Ex-A No. 49 of 2018 Inre: M.A No. 1657 of 2017

Aftab Alam Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents assisted by Lt Cdr Seema Chaudhary, Dy Judge Advocate. Learned counsel for the respondents submits that the matter has been referred to Respondent No 3 for execution of order of this Tribunal dated 03.10.2017. The Principal Controller Defence Account (Navy), Mumbai- 400039 (Respondent No 3 is directed to remain present in the Court on the date fixed to assist the Court and explain the reasons as to why the order of this Tribunal has not been complied with till date. List this case on **19.09.2018** for orders. Copy of this order be provided to learned counsel for the respondents within 48 hours. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

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

Guptesh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri S. Chandra, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents assisted by Lt Cdr Seema Chaudhary, Dy Judge Advocate. Vide order dated 30.10.2017 respondents were directed to consider the case of the applicant for grant of disability pension keeping in view the outcome of RSMB held on 04.08.2017. Ld. Counsel for the respondents has placed letter dated 14.03.2018 before the Court directing the Logistic Officer-in-Charge to consider the case of the applicant for grant of disability pension, keeping in view the RSMB but the order has not been complied with. Four months' time was granted to the respondents to comply with the order of this Tribunal but after elapse of nine months the order has not been complied with. Ld. Counsel for the respondents prays for six weeks' time to comply the order. Time prayed for is granted subject to payment of cost of Rs 5,000/- which shall be deposited in the Registry which shall be released in favour of the applicant. List this case on **19.09.2018** for hearing. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

Ex-A No. 56 of 2018 Inre: O.A. No. 303 of 2016

Rajiv Tandon Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri K.K. Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Lt Cdr Seema Chaudhary, Dy Judge Advocate. On 12.07.2018 following order was passed by this tribunal:- "*On the next date fixed, the respondents shall file requisite PPO as the Government has accorded sanction on 17.01.2018. In case the copy of the PPO is not filed on the next date, the respondents shall have to pay cost of Rs 10,000/- to the applicant.*" Neither the cost has been paid not PPO has been issued. RSMB of the applicant has also not been conducted. It is submitted by Ld. Counsel for the respondents that Government sanction has been obtained but the order has not been complied with. Respondents are granted four weeks' further time to comply the order subject to payment of cost of Rs 15,000/- in addition to cost of Rs 10,000/- imposed earlier. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

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

Rakesh Kumar Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri O.P. Kushwaha Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Lt Cdr Seema Chaudhary, Dy Judge Advocate. **M.A. No. 1155 of 2017 with M.A. No. 1156 of 2017** This is an application for condonation of delay in filing recall application. Application for condonation of delay in filing recall application is allowed and delay in filing the recall application is hereby condoned. M.A. aforesaid are disposed of accordingly. Ld. Counsel for the applicant shall deposit cost of Rs 1,000/-, which shall be paid to Bar Association Library by the date fixed. On production of receipt of cost so deposited, the case shall be restored to its original number. List this case on **19.09.2018** for orders. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

O.A No. 124 of 2018

Ram Dhiraj Singh Kushwaha 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**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Ms Appoli Srivastava, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that he is not prepared to argue the case and prays for adjournment. Accordingly, the case is adjourned As prayed, list this case on **16.08.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

O.A No. 125 of 2018

Baleshwar Tiwari 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**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Shri A.K. Sahu, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that he is not prepared to argue the case and prays for adjournment. Accordingly, the case is adjourned As prayed, list this case on **16.08.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

O.A. No. 183 of 2010

Satish Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Brijesh Verma, Ld. Counsel for the applicant and Shri Ashish Saxena, Ld. Counsel for the respondents. Learned counsel for the respondents has submitted an application for recall of order dated 06.07.2018 by means of which OA. No. 183 of 2010 was restored. It is submitted by learned counsel for the respondents that the case was earlier dismissed for want of prosecution on 09.12.2015, 23.02.2016, 29.03.2016, 04.01.2017 and 29.03.2017. It is further submitted by learned counsel for the respondents that the case was subsequently again dismissed on 22.11.2017. Thereafter the applicant moved M.A. No.2312 of 2017 for recall of order dated 22.11.2017. It is submitted by learned counsel for the respondents that by order dated 06.07.2018, order dated 04.01.2017 has been recalled whereas order dated 29.03.2017 should have been first recalled. We recall the order dated 06.07.2018 and direct the respondents to file objection on application for restoration within four weeks. List this case on **19.09.2018** for order. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

O.A No. 64 of 2013 with M.A. No. 2264 of 2017

Chandra Ballabh Bhatt (Deceased)
Through Smt Madhuri Bhatt and another Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	**Orders of the Tribunal**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri K.K.S. Bisht, Ld. Counsel for the applicant and Shri Bhanu Pratap Singh, Ld. Counsel for the respondents assisted by Lt Cdr Seema Chaudhary, Dy Judge Advocate Heard Ld. Counsel for the parties. Arguments concluded. Order reserved. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

T.A No. 70 of 2012

Smt Omvati Devi Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: None for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents, assisted by Lt Cdr Chinmay Sharma, Dy Judge Advocate. Ld. Counsel for the respondents submits that all the prayers made in the transferred application have been complied with. He submits that certified copies of police FIR, court of inquest and post mortem report have been provided to the petitioner. So far as second prayer is concerned, amount due to the applicant has been paid and case with regard to grant of family pension is under process. So far as third prayer is concerned, son of the applicant has been directed to file another application for his enrolment through normal channel. None is present on behalf of the petitioner in second round after pass over. Therefore, in the interest of justice without expressing any opinion on the merits of the case, we hereby **dismiss** this T.A. for want of prosecution. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

T.A No. 12 of 2014

Sumont Gupta Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri Amit Singh, Advocate, holding brief for Shri Abhishek Singh, Ld. Counsel for the petitioner and Shri Namit Sharma, Ld. Counsel for the respondents assisted by Lt Cdr Seema Chaudhary, Dy Judge Advocate. Shri Amit Singh, Advocate submits that Ld. Counsel for the petitioner is not present today and prays for adjournment. Accordingly, the case is adjourned. As prayed, list the case on **19.09.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

Court No.1

O.A No. 159 of 2017

Smt Maha Kali 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**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri R.K. Mishra, Ld. Counsel for the applicant and Ms Deepti P. Bajpai, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that original documents pertaining to the case are not available today and prays for adjournment. Accordingly, the case is adjourned. Vide order dated 08.05.2018, following order was passed:- *"In this case, the dispute involved is on the fact whether the applicant is a legally wedded wife of the deceased soldier. Additionally there is also a dispute on number of marriages the applicant's husband has contracted. As per respondents the applicant has contracted three marriages whereas the applicant claims that he has contracted two marriages and she was married to him after death of first wife Smt Papi Gurung. How many marriages were contracted by the deceased soldier and the applicant is the only surviving wife of deceased soldier is the question to be enquired in the matter. Hence we direct the Record Office to make an inquiry through their office situated in Nepal regarding the marital status of the applicant with the deceased soldier and also to inform the details of first and second wife, if any, of the deceased soldier."* Ld. Counsel for the respondents submits that they have communicated the matter to the respondents in Nepal but no response has been received so far. She prays for and is granted six weeks' further time to furnish the details sought for. List this case on **16.10.2018** for hearing. On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** ukt

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

T.A No. 26 of 2016

Noor Ahmed Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	27.07.2018 **Hon'ble Mr. Justice S.V.S. Rathore, Member (J)** **Hon'ble Air Marshal BBP Sinha, Member (A)** Present: Shri O.P. Kushwaha, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Heard Ld. Counsel for the parties. Arguments concluded. Judgment reserved. **(Air Marshal BBP Sinha)** **(Justice S.V.S. Rathore)** **Member (A)** **Member (J)** Ukt

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

Court No. 1

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

Shiv Kumar Joshi **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 27.08.2018 for orders.** **I/C Registrar**	

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

Court No. 1

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

Kishan Kumar **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court will not assemble today due to holding Circuit Bench at Nainital.** **List this case on 27.08.2018 for orders.** **I/C Registrar**	

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

Court No. 1

Ex. A. No 94 of 2018 Inre O.A. No 541 of 2017

Vijay Malik **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court will not assemble today due to holding Circuit Bench at Nainital.** **List this case on 28.08.2018 for orders.** **I/C Registrar**	

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

Court No. 1

M.A. No 1922 of 2017 Inre O. A. No (Nil) of 2017

Pushkar Misra **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court will not assemble today due to holding Circuit Bench at Nainital.** **List this case on 13.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

M.A. No 2206 of 2017 with M.A. No 2207 of 2017
Inre T.A. No 596 of 2010

Uday Veer Singh **Petitioner**
By Legal Practitioner for Petitioner

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 28.08.2018 for orders.** **I/C Registrar**	

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

Court No. 1

O. A. No 223 of 2015

Sub Arun Kumar Singh **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 13.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

O. A. No 244 of 2015

Sub Narendra Singh **Applicant**

By Legal Practitioner for Applicant

Versus

Union of India & Others **Respondents**

By Legal Practitioner for Respondents

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 13.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

O. A. No 388 of 2017

Gagan Singh **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 17.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

O.A. No 432 of 2017

Santosh Kumar **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 13.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

O. A. No 263 of 2018

M.K. Shukla **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 04.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

O.A. No 264 of 2018

Smt Vinita Singh **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 10.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

T.A. No 2 of 2017 With M.A. No 1183 of 2018 &
M.A. No 1184 of 2018

Anil Kumar Singh (Deceased)
Through his wife Smt Usha Devi **Petitioner**
By Legal Practitioner for Petitioner

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 10.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

O. A. No 37 of 2011

Narayan Singh **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 28.08.2018 for hearing.** **I/C Registrar**	

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

Court No. 1

O. A. No 136 of 2017

Jyoti Yadav **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 20.09.2018 for hearing.** **I/C Registrar**	

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

Court No. 1

O. A. No 404 of 2017

Ram Bhawan **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 20.08.2018 for hearing.** **I/C Registrar**	

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

Court No. 1

O. A. No 522 of 2017

Niyaz Ahmed **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 25.09.2018 for hearing.** **I/C Registrar**	

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

Court No. 1

O. A. No 653 of 2017

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

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 25.09.2018 for hearing.** **I/C Registrar**	

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

Court No. 1

O. A. No 111 of 2018

Dharamvir Singh **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
30.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 07.08.2018 for hearing.** **I/C Registrar**	

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

Court No. 1

Ex. A. No 22 of 2018 Inre O. A. No 259 of 2015

Jaivir Singh **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 01.10.2018 for orders.** **I/C Registrar**	

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

Court No. 1

Ex. A. No 31 of 2018 Inre T. A. No 955 of 2010

Jagroop Singh Yadav **Petitioner**
By Legal Practitioner for Petitioner

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 03.10.2018 for orders.** **I/C Registrar**	

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

Court No. 1

Ex. A. No 51 of 2018 Inre O. A. No 169 of 2011

Lt Col Lokesh Kandpal **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 04.10.2018 for orders.** **I/C Registrar**	

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

Court No. 1

Ex. A. No 93 of 2018 Inre O. A. No 540 of 2017

L Gannaya **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 05.10.2018 for orders.** **I/C Registrar**	

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

Court No. 1

Ex. A. No 95 of 2018 Inre O. A. No 143 of 2015

Shaikh Ibrahim **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 24.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

M.A. No 1969 of 2017, M.A. No 1970 of 2017
Inre O.A. No 166 of 2011

Sachchida Nand Tiwari **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 25.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

M.A. No 1219 of 2018 Inre M.A. No 34 of 2017 Inre
Ex. A. No 210 of 2016 Inre O.A. No 377 of 2012

Arvind Kumar **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 26.09.2018 for orders.** **I/C Registrar**	

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

Court No. 1

O.A. No 258 of 2017

Akil Ahmed Ansari **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 25.09.2018 for hearing.** **I/C Registrar**	

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

Court No. 1

O. A. No 138 of 2016 with M. A. No 2500 of 2016

VK Prajapati & Ors **Applicant**
By Legal Practitioner for Applicant

Versus

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

Notes of Registry	Order of the Tribunal
31.07.2018 **The Court shall not assemble today due to holding Circuit Bench at Nainital.** **List this case on 26.09.2018 for hearing.** **I/C Registrar**	