

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No. 306 of 2019 with M.A.No.307 of 2019
Inre O.A.No. 258 of 2018

Union of India & others
By Legal Practitioner for Applicants

Applicants

Versus

Ex Gnr Ashish Kumar Singh
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Ms Anju Singh, learned counsel for the applicants.</p> <p><u>M.A. No. 306 of 2019</u></p> <p>This is an application for condonation of delay in moving the application under section 31 of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 08.01.2019, passed by this Court in O.A. No. 258 of 2018, which is delayed by 01 month & 20 days in filing the application for leave to appeal.</p> <p><u>M.A. No. 307 of 2019</u></p> <p>This application for leave to appeal has been filed by the applicant-respondents after expiry of the period of limitation. Learned counsel for the applicant-respondents has only argued that this application for leave to appeal is barred by time and no question of law of general public importance involved could be brought to our notice during the course of arguments.</p> <p>Accordingly, application for leave to appeal is rejected on the ground of delay as well as on merits.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No. 308 of 2019 with M.A.No.309 of 2019
Inre O.A.No. 239 of 2012

Union of India & others
By Legal Practitioner for Applicants

Applicants

Versus

Ram Roop Singh
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Asheesh Agnihotri, learned counsel for the applicants.</p> <p style="text-align: center;"><u>M.A. No. 308 of 2019</u></p> <p>This is an application for condonation of delay in moving the application under section 31 of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 06.07.2018, passed by this Court in O.A. No. 239 of 2012, which is delayed by 07 months & 22 days in filing the application for leave to appeal.</p> <p style="text-align: center;"><u>M.A. No. 309 of 2019</u></p> <p>This application for leave to appeal has been filed by the applicant-respondents after expiry of the period of limitation. Learned counsel for the applicant-respondents has only argued that this application for leave to appeal is barred by time and no question of law of general public importance involved could be brought to our notice during the course of arguments.</p> <p>Accordingly, application for leave to appeal is rejected on the ground of delay as well as on merits.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
R.A.No.25 of 2019 with M.A.No.310 of 2019
Inre T.A.No. 388 of 2010

Union of India & others
By Legal Practitioner for Applicants

Applicants

Versus

Brijesh Kumar Singh
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Asheesh Agnihotri, learned counsel for the applicants. Learned counsel for the Union of India is directed to inform the learned counsel for the petitioners (in T.A.) about the R.A. filed by the learned counsel for the respondents. List this case on 23.04.2019 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

Court No.1

Dy No.3229 of 2018 Inre O.A.No. Nil of 2018

Smt Susheela Devi wife of Sep (Late) Ram Dulare
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Virendra Kumar Gupta, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' time to remove the defects pointed out by the Registry.</p> <p style="text-align: center;">List this case on 06.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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
By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Parijaat Belaura, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks' time to file reply to the objection on the application for condonation of delay in filing the recall application.</p> <p style="text-align: center;">List this case on 30.07.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No.645 of 2018 Inre O.A.No. Nil of 2018

Sukhdev Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri OP Kushwaha, Advocate holding brief of Shri Ashok Kumar, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents.</p> <p>Shri OP Kushwaha, Advocate prays for adjournment of the case on the ground of non availability of the learned counsel for the applicant.</p> <p>In the interest of justice, the case is passed over for the day.</p> <p>List this case on 04.07.2019 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No. 951 of 2018 Inre O.A.No. Nil of 2018

Capt Parit Sagar Baburao
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time for better preparation of the case and to produce some case law on the point wherein any Bench of the Tribunal has granted relief as claimed by the applicant in this case.</p> <p style="text-align: center;">List this case on 17.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No.1218 of 2018 Inre O.A.No. Nil of 2018

Smt Ranju Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri BB Tripathi, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>M.A.No.1218 of 2018</u></p> <p>By means of this O.A., the applicant has made prayer for grant of family pension, which is a recurring cause of action.</p> <p>Objection and reply to the said objection have already been exchanged</p> <p>Accordingly, the application is allowed and the delay in filing the O.A. is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 22.05.2019 for exchange of pleadings before the Registrar Court.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: right;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No.1292 of 2018 Inre O.A.No. Nil of 2018

Raghubar Dayal Kanaujia
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri JN Mishra, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p>In one of the prayers of this O.A., the applicant has prayed for quashing of his own representation dated 30.11.2017. When this fact was brought to the notice of the learned counsel for the applicant, he prays for time to take steps for amending the prayer clause of the O.A.</p> <p style="text-align: center;">List this case on 10.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No.1387 of 2018 Inre O.A.No. Nil of 2018

Hony Lt Narsingh Narayan (Retd)
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Vinay Kumar Pandey, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A.No.1387 of 2018</u></p> <p>By means of this O.A., the applicant has made prayer for grant of revised pension, which is a recurring cause of action.</p> <p>Objection and reply to the said objection have already been exchanged</p> <p>Accordingly, the application is allowed and the delay in filing the O.A. is hereby condoned.</p> <p>Having heard the learned counsel for the parties, we find that it is a fit case for admission.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 23.05.2019 for exchange of pleadings before the Registrar Court.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No.1629 of 2018 Inre O.A.No. Nil of 2018

Ex Sep (Reservist) Amrit Lal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri VA Singh, Advocate holding brief of Shri PK Shukla, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p style="text-align: center;">Shri VA Singh, Advocate prays for adjournment of the case on the ground of non availability of the learned counsel for the applicant.</p> <p style="text-align: center;">In the interest of justice, the case is passed over for the day.</p> <p style="text-align: center;">List this case on 10.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No. 1874 of 2018 with M.A.No.1875 of 2018
Inre O.A.No. 285 of 2013

Smt Sunita Devi

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri VP Pandey, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for further time for better preparation of the case.</p> <p style="text-align: center;">List this case on 07.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No. 2037 of 2018 Inre O.A.No. Nil of 2018

Smt Shardha Arjunan
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Parijaat Belaura, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A.No. 2037 of 2018</u></p> <p>Notice be issued to respondent nos. 5 to 7 by registered post as well as by normal mode of service on the application for condonation of delay. Steps be taken within a week</p> <p>List this case on 06.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
O.A.No. 63 of 2018

Vijaypal Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri KK Misra, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant prays for time for better preparation of the case.</p> <p style="text-align: center;">In the interest of justice, case is passed over for the day.</p> <p style="text-align: center;">List this case on 10.05.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
M.A.No.1164 of 2018 Inre O.A.No. 245 of 2019.

Smt Amrawati Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri R Chandra, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>M.A.No.1164 of 2018</u></p> <p style="text-align: center;">This is an application for condonation of delay in filing the O.A. Since the matter relates to family pension, the application is allowed and the delay in filing the O.A. is hereby condoned.</p> <p style="text-align: center;">Heard on the point of admission</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Let the case be registered as O.A.No.245 of 2019.</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p>1. In this case the applicant has made the following prayer:</p> <p style="margin-left: 40px;"><i>“(I) The Hon’ble Tribunal may be pleased to set aside the order dated 25/02/1999 (Annexure No.A/1).</i></p> <p style="margin-left: 40px;"><i>“(II) The Hon’ble Tribunal may be pleased to direct the respondents to grant service pension to her late husband from 10.05.1946 to 08.04.1984 (date of death) and after date of death family pension be granted to the applicant.</i></p> <p style="margin-left: 40px;"><i>“(III) Any other appropriate order or direction which the Hon’ble Tribunal may deem just and proper in the nature and circumstances of the case.”</i></p> <p>2. The admitted facts of the case are that the husband of the applicant was dismissed from service after rendering about two years and 355 days of service on 09th May 1946. The applicant has nowhere challenged the dismissal order and has prayed for family pension.</p> <p>3. During course of hearing on the point of admission, learned counsel for the applicant has fairly conceded that the husband of the applicant was not receiving any service pension.</p> <p>4. On behalf of the respondents, it has been argued that when the husband of the applicant was not receiving any service pension as he was</p>

not entitled for pension, because he was a dismissed soldier and was not having pensionable service period to his credit. Learned counsel for the respondents has drawn our attention towards the impugned order dated 25th February 1999, which reads as under:

"Tele Kirlee : 695349/3024

REGISTERED
Abhilekh Karyalaya
Record Office
Bombay Engineer Group,
Kirkee, Pune- 411 -003.
25 Feb 99

78305/Pre-64/ F/Pen
Smt Amrawati Devi W/O No.23455
Late Spr Krishna Kant Pandey
Vill : Saraya
PO: Rudrapur
Distt : Deoria (UP).

FAMILY PENSION: NO.23455 LATE SPR KRISHNA KANT PANDEY

Madam,

1. Please refer to your petition dated 03 Feb 99.
2. Your case has been examined in detailed. On scrutiny of records viz long roll maintained by this office, it revealed that your late husband was enrolled in the Army on 20 May 43 and dismissed on 09 May 46 after having put in 02 years and 355 days service.
3. The service documents of the deceased have been destroyed being time expired/non pensioner case/50 years old case. No other documents are held with up except long roll. Hence, the information sought by you vide Para 3 of your petition dated 27 Jul 98 cannot be furnished at this belated stage.
4. The position of the case has already been explained to you vide our letter No.72072/Gen/Vol-I/TTC/168/NE dated 07 Sep 98.
5. You are, however, not entitled to any benefits from the Army at this stage.
6. You are, further, advised to approach the Freedom Fighters Cell (Ministry of Home Affairs) Lok Nayak Bhavan Khan Market, New Delhi – 110003 for grant of freedom fighters pension through the Secretary, Kendriya Sainik Board, New Delhi, who will examine your case thoroughly and assist you to extend the concession applicable in such type of cases.

Yours faithfully

Major
Record Officer
For OIC Records

Copy to:-
The Secretary
Kendriya Sainik Board
New Delhi

- for necessary action in
response to Para 6 above."

5. In reply, learned counsel for the applicant has argued that the husband of the applicant was also a Freedom Fighter, therefore, he has also included the prayer for grant of Freedom Fighter pension, but the same was subsequently removed as this Tribunal has no jurisdiction to grant Freedom Fighter pension. He has also submitted that this O.A. may be dismissed with liberty to seek remedy before the appropriate forum for grant of Freedom Fighter pension.

6. In view of the aforesaid facts, it is clear that the applicant's husband was a dismissed Army soldier, who has rendered less than three years of service, therefore, he was not receiving any service pension, nor he was, under rules entitled for any type of pension.

7. Since the husband of the applicant was not receiving any service pension, therefore, no question of grant of family pension arises. The dismissal of the applicant's husband has nowhere been challenged in this case, hence the dismissal of the year 1946 cannot be reopened at such a belated stage of about 73 years.

8. We do not find any point to be adjudicated by this Tribunal in this case, therefore, this O.A. deserves to be dismissed and is accordingly **dismissed in limine**. Applicant is free to seek his remedy for grant of Freedom Fighter pension before the appropriate forum.

(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

M.A. No. 194 of 2019 Inre O.A. No. Nil of 2019

Ex Hav (Hony Nb Sub) Gaya Prasad

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Shyam Singh, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present: Shri Virendra Kumar Gupta, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 194 of 2019</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of pensionary benefits. As per office report, it is delayed by more than 09 years in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 20.05.2019 for orders before Registrar Court.</p>

	(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. 230 of 2019 Inre O.A. No. Nil of 2019

Ex Sep/MT Ashok Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u>

Memo of appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.

Present: Shri Rohit Kumar, learned counsel for the applicant and Shri Ramesh Chandra Shukla, learned counsel for the respondents.

M.A. No. 230 of 2019

This is an application for condonation of delay filed by the applicant with the prayer to quash the order of discharge. As per office report, it is delayed by 06 months & 07 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 17.05.2019 for orders before Registrar Court.

(Air Marshal BBP Sinha)
Member (A)

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

SB

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

Court No.1

M.A. No. 242 of 2019 Inre O.A. No. Nil of 2019

Hony Fg Offr Dinesh Chandra Chaturvedi (Retd) Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others(Air Force) Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p style="text-align: center;">Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Present: Shri Keshav Sharma, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>M.A. No. 242 of 2019</u></p> <p style="text-align: center;">This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 01 year, 03 months & 11 days in filing the Original Application.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p style="text-align: center;">List this case on 17.05.2019 for orders before Registrar Court.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

M.A. No. 243 of 2019 Inre O.A. No. Nil of 2019

Uday Bhan

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
	<u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u>

Memo of appearance filed by Shri D.K. Pandey, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.

Present: Shri Ashok Kumar, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.

M.A. No. 243 of 2019

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 05 years, 11 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 22.05.2019 for orders before Registrar Court.

(Air Marshal BBP Sinha)
Member (A)

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

SB

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

M.A. No. 244 of 2019 Inre O.A. No. Nil of 2019

Smt Sonali @ Soni Wife of (Late) Gnr Rathod Yogesh Prahlad

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 244 of 2019</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of pensionary benefits. As per office report, it is delayed by 01 year & 01 day in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 22.05.2019 for orders before Registrar Court.</p> <p>(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

M.A. No. 254 of 2019 Inre O.A. No. Nil of 2019

Lt Col Soban Singh Danu (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
	<u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u>

Memo of appearance filed by Shri Yogresh Kesarwani, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.

Present: Shri Gyanendra Kumar Sharma & Shri Dharam Raj Singh, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents.

M.A. No. 254 of 2019

This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by 04 months & 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 17.05.2019 for orders before Registrar Court.

(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. 284 of 2019 Inre O.A. No. Nil of 2019

Ex Hav (Hony Nb Sub) Khem Raj Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present: Shri Virendra Kumar Gupta, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents.</p> <p><u>M.A. No. 284 of 2019</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of pensionary benefits. As per office report, it is delayed by more than 09 years in filing the Original Application.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the application for condonation of delay. Replication, if any, may be filed by the learned counsel for the applicant within two weeks' thereafter.</p> <p>List this case on 20.05.2019 for orders before Registrar Court.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

M.A. No. 285 of 2019 Inre O.A. No. Nil of 2019

Ex Hav (Hony Nb Sub) Itwari 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
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p>

Present: Shri Virendra Kumar Gupta, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.

M.A. No. 285 of 2019

This is an application for condonation of delay filed by the applicant for grant of pensionary benefits. As per office report, it is delayed by more than 09 years 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 20.05.2019 for orders before Registrar Court.

(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

O.A. No. 123 of 2019

Ex Rect Mohd Sarfaraj

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present: Shri Ashish Gupta, Advocate holding brief of Shri Gyan Singh Chauhan, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel holding brief submits that learned counsel for the applicant is not present today and prays for adjournment of the case. As prayed, the case is adjourned for the day.</p> <p>List this case on 07.05.2019 for orders.</p> <p>(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

O.A. No. 150 of 2019

Ex Nk (TS) Til Bahadur Khatri

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Memo of appearance filed by Shri Shakti Vikram Srivastava, Advocate on behalf of respondents is taken on record. His name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri Shakti</p>

Vikram Srivastava, learned counsel for the respondents.

O.A. No. 150 of 2019

This Original Application has been filed by the applicant with the prayer to decide his representation dated 31.05.2018 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 pending representation of the applicant dated 31.05.2018 by a speaking and reasoned order in accordance with law, if not already decided, within a period of six weeks 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)
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

O.A. No. 427 of 2018

Hony Nb Sub Ram Karan Singh

Applicant

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

O.A. No. 386 of 2017

Ashok Kumar Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents.</p> <p>In this case, the applicant has prayed for grant of disability pension.</p> <p>It is submitted on behalf of the respondents that at the time of release, the applicant was Sapper and Release Medical Board has not been done.</p>

Learned counsel for the respondents is directed to explain this aspect by means of an affidavit annexing therein supporting medical documents, Army Order and particularly copy of release medical examination.

List this case on 09.05.2019 for hearing.

(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

O.A. No. 181 of 2018

Mahesh Kumar Awasthi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri R. Chandra, Advocate holding brief of Shri Yashpal Singh, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p>Learned counsel holding brief prays for adjournment of the case. As prayed, the case is adjourned for the day.</p> <p>List this case on 16.05.2019 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

T.A. No. 82 of 2012

Mahavir Singh Rawat

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Col Y.R. Sharma (Retd), learned counsel for the petitioner and Shri R.K.S. Chauhan, learned counsel for the respondents.</p> <p>Synopsis alongwith the cases on which learned counsel for the petitioner placed reliance has been filed today in the Court and a copy of the same has been</p>

provided to learned counsel for the respondents who prays for time to go through it and file his written reply, if any.

Since the matter is very old, hence, this case be listed for hearing on 09.05.2019 with the condition that no further adjournment shall be granted to the respondents.

On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.

(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

T.A. No. 35 of 2013

Hira Singh

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u></p> <p>Present: Shri Virat Anand Singh, learned counsel for the petitioner and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the petitioner prays for time for preparation of the case.</p> <p>List this case on 14.05.2019 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1

T.A. No. 10 of 2017

Praveen 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
	<u>01.04.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal BBP Sinha, Member (A)</u>

Present: Shri Om Prakash, learned counsel for the petitioner and Shri Ashish Kumar Singh, learned counsel for the respondents.

It is informed that in this case AOP has issued order of discharge but learned counsel for the petitioner submitted that AOP has no power to issue order of discharge of the petitioner.

Learned counsel for the respondents prays for and is granted four weeks time to explain the situation.

List this case on 16.05.2019 for hearing.

(Air Marshal BBP Sinha)
Member (A)

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

SB