

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

M.A. No. 128 of 2018 alongwith R.A. No. 15 of 2018 Inre O.A. No. 376 of 2017

Rama Kant
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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 Dharmesh Sinha, learned counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents prays for short adjournment to seek clarification from PCDA as to why disability pension of the applicant for two years has not been sanctioned.</p> <p>List this case on 30.01.2019 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>SB</p>

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

M.A. No. 136 of 2018 Inre O.A. No. Nil of 2018

Govind Lal

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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 P.K. Shukla, Advocate holding brief of Shri Virat Anand Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 136 of 2018</u></p> <p>By means of this application, the applicant has claimed his promotion from 1987. As per office report, there is delay of more than 19 years in filing original application.</p> <p>Learned counsel for the applicant prays for time to argue on the point of delay.</p> <p>As prayed by learned counsel for the applicant, list this case on 15.02.2019 for hearing on application for condonation of delay.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

M.A. No. 945 of 2018 Inre O.A. No. Nil of 2018

Fateh Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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: None for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 945 of 2018</u></p> <p>None is present on behalf of the applicant.</p> <p>Perusal of order sheet shows that for the last several dates, none is appearing on behalf of the applicant. It transpires that learned counsel for the applicant is not interested to pursue the case. Therefore, application for condonation of delay is dismissed for want of prosecution.</p> <p>Accordingly, O.A. is also dismissed.</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. 1257 of 2018 Inre O.A. No. Nil of 2018

Khacheru Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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 K.K. Misra, learned counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1257 of 2018</u></p> <p>This is an application for condonation of delay filed by the applicant for grant of disability pension. As per office report, it is delayed by more than 46 years in filing the Original Application.</p> <p>Reasons shown in the affidavit filed in support of the application for condonation of delay seem to be sufficient. Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file counter affidavit. Rejoinder affidavit, if any, to be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 20.02.2019 for orders.</p> <p>On the date fixed, learned counsel for the respondents is directed to produce medical papers, if available, for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

M.A. No. 1304 of 2018 with M.A. No. 1305 of 2018 Inre T.A. No. 284 of 2010

Umesh Kumar Chourasia
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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: Col Y.R. Sharma (Retd), learned counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p style="text-align: center;">In pursuance to our order dated 18.12.2018, learned counsel for the applicant has placed before us several case laws and copies of the same have been provided to learned counsel for the respondents in the court itself who prays for time to go through it and to file his reply.</p> <p style="text-align: center;">List this case on 06.02.2019 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>SB</p>

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

M.A. No. 1544 of 2018 Inre O.A. No. Nil of 2018

Ex Nk Ram Sumiran
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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 A.K. Srivastava (Retd), learned counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1544 of 2018</u></p> <p>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 more than 17 years in filing the Original Application.</p> <p>Reasons shown in the affidavit filed in support of the application for condonation of delay seem to be sufficient. Since pension is recurring cause of action, hence we allow the application for condonation of delay and delay in filing the original application is hereby condoned.</p> <p>Having heard learned counsel for the parties, we find that this is a fit case for adjudication.</p> <p>Admit.</p> <p>Let the case be registered as O.A.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file counter affidavit. Rejoinder affidavit, if any, to be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 20.02.2019 for orders.</p> <p>On the date fixed, learned counsel for the respondents is directed to produce medical papers, if available, for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

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

O.A. No. 208 of 2017 with M.A. No. 2051 & 707 of 2018

Sandeep Yadav

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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 Virendra Prasad, learned counsel for the applicant and Shri R.K. S. Chauhan, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 2051 of 2018</u></p> <p>This application has been moved by the applicant to implead Shri Purushottam Prajapati, who was similarly situated and retained in service. Therefore, if the prayer of the applicant is allowed then the interest of Shri Purushottam Prajapati shall get adversely affected. Therefore, Shri Purushottam Prajapati is a necessary party in this case. Hence, impleadment application is allowed.</p> <p>Learned counsel for the applicant is directed to correct the title of the case.</p> <p>Let notice be issued to newly impleaded Shri Purushottam Prajapati as respondent. Steps to be taken within a week.</p> <p>List this case on 14.03.2019 for orders.</p> <p>(Air Marshal BBP Sinha) Member (A)</p> <p>(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

O.A. No. 209 of 2017 with M.A. No. 2050 & 706 of 2018

Upendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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 Prasad, learned counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 2050 of 2018</u></p> <p>This application has been moved by the applicant to implead Shri Purushottam Prajapati, who was similarly situated and retained in service. Therefore, if the prayer of the applicant is allowed then the interest of Shri Purushottam Prajapati shall get adversely affected. Therefore, Shri Purushottam Prajapati is a necessary party in this case. Hence, impleadment application is allowed.</p> <p>Learned counsel for the applicant is directed to correct the title of the case.</p> <p>Let notice be issued to newly impleaded Shri Purushottam Prajapati as respondent. Steps to be taken within a week.</p> <p>List this case on 14.03.2019 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>SB</p>

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

O.A. No. 516 of 2017

Munisha Devi

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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 Om Prakash Kushwaha, learned counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted two weeks further time to file rejoinder affidavit.</p> <p>List this case on 13.02.2019 for orders.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 547 of 2017

Shailendra Singh Tomar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</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 V.K. Pandey, learned counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Order reserved.</p> <p style="text-align: center;">(Air Marshal BBP Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>SB</p>

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

Ex.A.No.1 of 2018
Inre T.A.No. 1290 of 2010

Arvind Kumar Katiyar
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & others (Army)
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Sudhir Kumar Singh, learned counsel for the Petitioner and Wg Cdr RA Menon, Departmental Representative for the respondents.</p> <p><u>Ex.A.No.1 of 2018</u></p> <p style="text-align: center;">This an application for execution of the order dated 14.08.2017 passed in T.A.No.1290 of 2010.</p> <p style="text-align: center;">Wg Cdr RA Menon, Departmental Representative has produced before us a copy of the appeal filed before the Hon'ble Apex Court. It is informed that in the said appeal, notice on the stay application has also been issued to the present applicant, therefore, we consider it appropriate to await for the outcome of the order of the Hon'ble Apex Court.</p> <p style="text-align: center;">List this case on 22.04.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

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

Jhaboo Lal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others (Army)
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri PK Shukla, Advocate holding brief of Shri Virat Anand Singh, learned counsel for the Applicant and Shri AN Tripathi, learned counsel for the respondents.</p> <p><u>Ex.A.No.81 of 2018</u></p> <p style="text-align: center;">This an application for execution of the order dated 30.08.2017 passed in O.A.No.293 of 2017.</p> <p style="text-align: center;">On behalf of the respondents, further time is prayed for filing compliance report.</p> <p style="text-align: center;">List this case on 15.03.2019 for filing compliance report, failing which respondents will have to deposit cost of Rs.10,000/- in the Registry, which shall be paid to the applicant through cheque.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

Ex.A.No. 82 of 2018
Inre O.A.No.468 of 2017

Yogesh Chandra Singh Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others (Army)
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">None appears for the applicant.</p> <p style="text-align: center;">Present: Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p><u>Ex.A.No.82 of 2018</u></p> <p style="text-align: center;">This an application for execution of the order dated 20.12.2017 passed in O.A.No.468 of 2017.</p> <p style="text-align: center;">Representative of the PCDA (P), Allahabad informs the Court that the corrigendum PPO of the applicant shall be issued within a week. Time prayed for is granted.</p> <p style="text-align: center;">List this case on 31.01.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

Ex.A.No. 118 of 2018
Inre O.A.No.302 of 2011

Brijendra Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others (Army)
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri Ashish Kumar Singh, Advocate holding brief of Shri Virat Anand Singh, learned counsel for the Applicant and Shri Yogesh Kesarwani, learned counsel for the respondents.</p> <p style="text-align: center;"><u>Ex.A.No.118 of 2018</u></p> <p style="text-align: center;">This an application for execution of the order dated 04.12.2017 passed in O.A.No.302 of 2011.</p> <p style="text-align: center;">On behalf of the respondents, it is submitted that SLP has been preferred by the Union of India before the Hon'ble Apex Court and the same has not come up for hearing. Therefore, we consider it appropriate to await for the out come of the order of the Hon'ble Apex Court.</p> <p style="text-align: center;">List this case on 25.03.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

Ex.A.No. 209 of 2018
Inre O.A.No.141 of 2017

Ex Hav (Hony Nb Sub) Ayatu Sarki
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others (Army)
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>None appears for the applicant.</p> <p>Present: Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p><u>Ex.A.No.209 of 2018</u></p> <p>This an application for execution of the order dated 08.11.2017 passed in O.A.No.141 of 2017.</p> <p>Despite our last order dated 13.12.2018, learned counsel for the applicant has not taken steps to implead the concerned Bank as one the respondents.</p> <p>List this case on 08.03.2019 for orders.</p> <p>Meanwhile, steps be taken by the applicant, as directed earlier.</p> <p>(Air Marshal B.B.P. 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

Ex.A.No. 232 of 2018
Inre O.A.No.584 of 2017

Ex Hav (Hony Nb Sub) Radhey Shyam Pandey **Applicant**
By Legal Practitioner for Applicant

Versus

Union of India & others (Army) **Respondents**
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">None appears for the applicant.</p> <p style="text-align: center;">Present: Dr Chet Narayan Singh, learned counsel for the respondents.</p> <p><u>Ex.A.No.232 of 2018</u></p> <p style="text-align: center;">This an application for execution of the order dated 15.05.2018 passed in O.A.No.584 of 2017.</p> <p style="text-align: center;">On behalf of the respondents, it is submitted that the PPO has been issued and a copy of the same has been produced before us, which is taken on record.</p> <p style="text-align: center;">List this case on 04.02.2019 for orders.</p> <p style="text-align: center;">Meanwhile, objection, if any, against the PPO may be filed by the learned counsel for the applicant.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) (Justice S.V.S. Rathore) Member (A) Member (J)</p> <p>PKG</p>

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

M.A.No.1583 of 2017
Inre O.A.No. Nil of 2017

Sep/Driver Vijay Amrit Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others (Army)
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri KK Misra, learned counsel for the Petitioner and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p style="text-align: center;">Further time is prayed on behalf of the applicant to argue on the point of maintainability of the O.A. Time prayed for is granted.</p> <p style="text-align: center;">List this case on 15.02.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

M.A.No.2257 of 2017
Inre O.A.No. Nil of 2017

Chandra Pal Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & others (Army)
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri KK Misra, learned counsel for the Petitioner and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p style="text-align: center;"><u>M.A.No.2257 of 2017</u></p> <p>By means of this O.A., the applicant has made prayer for grant of disability 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 20.02.2019 for orders.</p> <p>On the date fixed, medical documents pertaining to the applicant, shall be produced by the respondents.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>PKG</p>

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

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

Mohan Singh
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Col. A.K. Srivastava (Retd.), Ld. Counsel for the petitioner and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents submits that petitioner has already been paid Rs.11,758.00 on 14.08.2018 with regard back wages of the rank of Subedar Major through a Cheque which was duly received by the applicant. Ld. Counsel for the respondents has given copies of the said cheque and receipt to the Ld. Counsel for the applicant today in the Court.</p> <p>Ld. Counsel for the petitioner submits that as per instruction received from the petitioner the said amount has not been credited in the Bank account of the petitioner.</p> <p>Inspite of the fact that we have incorporated these facts in our order, Ld. Counsel for the petitioner insisted that the respondents be directed to file this submission and the copies of cheque and receipt on affidavit. We are surprised to hear such a submission. However, we direct that the compliance report be filed on affidavit by the respondents.</p> <p>List this case on 12.04.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

M.A. No. 1043 of 2013

Ramu Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Shri Rajesh Kumar Singh, Advocate holding brief of Dr. Sanjay Kumar Singh, Ld. Counsel for the applicant and Mrs. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents submits that she shall file the objection on application for condonation of delay in the registry during the course of the day.</p> <p>List this case on 11.02.2019 for consideration of application for condonation of delay.</p> <p>Meanwhile, Ld. Counsel for the applicant may file replication, if any.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 162 of 2018

A Ashok Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant prays for adjournment. Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 12.02.2019 for orders.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 585 of 2018

Ex. Dfr. Jaswant Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">By means of this Original Application the applicant has prayed for grant of promotion, which needs to be adjudicated by this Tribunal.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed by the Ld. Counsel for the applicant within two weeks thereafter.</p> <p style="text-align: center;">List this case on 18.03.2019 before the Registrar Court for exchange of pleadings.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 75 of 2015

Ravi Singh Thakur
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Shri Ashish Kumar Singh, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p>Brief holder appearing on behalf of the Ld. Counsel for the applicant prays for adjournment.</p> <p>Since, this case pertains to the year 2015, therefore, no further adjournment shall be granted on the next date fixed.</p> <p>List this case on 05.02.2019 for hearing.</p> <p>On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 152 of 2016

Arbind Kumar Dubey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submitted that during the pendency of this case the punishment imposed on the applicant has already been set aside and applicant has no grievance now. Further, he has pointed out that the order dated 07/08 August 2017 for setting aside the punishment and Part – II order dated 14/16 October 2016 have knowingly nowhere been mentioned in the Counter Affidavit. He has alleged that the respondents have concealed the said material facts from this Tribunal in their Counter Affidavit. In Rejoinder Affidavit Ld. Counsel for the applicant has pleaded for taking action under Section 340 Cr.P.C. against the respondents.</p> <p>Since at present applicant has no grievance, hence, the instant Original Application has been rendered infructuous. Accordingly, the Original Application No. 152 of 2016 stands disposed off.</p> <p>So far as the submission of the Ld. Counsel for the applicant regarding initiation of proceedings under Section 340 of Cr.P.C. against respondents is concerned, we consider it appropriate to reproduce Section 340 (i) of Cr.P.C. as under :-</p> <p style="text-align: center;">“340. Procedure in cases mentioned in Section 195. - (1) <i>When, upon an application made to it in this behalf or otherwise,</i></p>

any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of Section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may after such preliminary inquiry, if any, as it thinks necessary, -

(a) Record a finding to that effect;

(b) Make a complaint thereof in writing;

(c) Send it to a Magistrate of the first class having jurisdiction;

(d) Take sufficient security for the appearance of the accused before such Magistrate or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and

(e) bind over any person to appear and give evidence before such Magistrate.”

The basic requirement of Section 340 of Cr.P.C. is that an application is to be made. Therefore, we grant liberty to the Ld. Counsel for the applicant to move a fresh application under Section 340 of Cr.P.C. for initiating action against the respondents for concealment of facts.

If any application is given by the Ld. Counsel for applicant, the same shall be registered as Misc. Application.

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

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

AKD/UKT/-

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

O.A. No. 219 of 2016

Gp. Capt. Ajay Gaur
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Shri A.K. Singh, Ld. Counsel for the applicant and Wg. Cdr. R.A. Menon, Departmental Representative for the respondents.</p> <p>Departmental Representative prays for adjournment on the ground that the father of Shri Yogesh Kesarwani, Ld. Counsel for the respondents is ill. Accordingly, the case is adjourned.</p> <p>List this case on 05.03.2019 for hearing.</p> <p>On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 323 of 2017

Shishpal Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Major Vikas Sharma, OIC Legal Cell for the respondents.</p> <p style="text-align: center;">OIC Legal Cell submits that father of Shri Anurag Mishra, Ld. Counsel for the respondents is serious, hence, he has not come to the Tribunal today. He prays for adjournment.</p> <p style="text-align: center;">List this case on 19.02.2019 for hearing.</p> <p style="text-align: center;">On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Case called out. Present: Shri Namit Sharma, Ld. Counsel for the respondents. None is present on behalf of the applicant. In the interest of justice, the case is adjourned. List this case on 19.02.2019 for hearing. On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 57of 2018

Vijay Suman Sharma & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p>Present: Shri Ashish Kumar Singh, Advocate holding brief of Shri Abhishek R. Shukla, Ld. Counsel for the applicants and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>Brief of holder appearing on behalf of the Ld. Counsel for the applicant prays for adjournment. Accordingly, the case is adjourned.</p> <p>List this case on 01.02.2019 for hearing.</p> <p>On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 161 of 2018

Wilson Andrews G.
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the applicant prays for short adjournment to file Written Arguments/Synopsis.</p> <p style="text-align: center;">List this case on 06.02.2019 for hearing.</p> <p style="text-align: center;">On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 253 of 2018

Ram Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri V.K. Pandey, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Arguments heard.</p> <p style="text-align: center;">Order is reserved.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. (A) No. 87 of 2018

Yadav Ajay Kumar Banwari
By Legal Practitioner for the Appellant

Appellant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.01.2019</u> <u>Hon'ble Mr. Justice S.V.S. Rathore, Member (J)</u> <u>Hon'ble Air Marshal B.B.P. Sinha, Member (A)</u></p> <p style="text-align: center;">Present: Shri K.K. Singh Bisht, Advocate holding brief of Maj. R.D. Singh (Retd.), Ld. Counsel for the appellant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Brief holder appearing on behalf of Ld. Counsel for the appelant prays for adjournment. Accordingly, the case is adjourned.</p> <p style="text-align: center;">List this case on 25.03.2019 for hearing.</p> <p style="text-align: center;">On the date fixed Ld. Counsel for the respondents shall produce the original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal B.B.P. Sinha) Member (A)</p> <p style="text-align: center;">(Justice S.V.S. Rathore) Member (J)</p> <p>AKD/UKT/-</p>

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

O.A. No. 194 of 2017 with M.A. No. 1970 of 2018

Sushil Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

**Notes of
the
Registry**

Orders of the Tribunal

18.01.2019

Hon'ble Mr. Justice S.V.S. Rathore, Member (J)

Hon'ble Air Marshal B.B.P. Sinha, Member (A)

Present: Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.

M.A. No. 1970 of 2018

This is an application for impleadment of State Bank of India for purpose of ensuring the payment of P.P.O. which has been issued by the respondents for payment of disability pension to the applicant. We have also noticed that the applicant has filed instant Original Application with a specific prayer of reinstatement and not for grant of disability pension.

Thus, we find a peculiar situation when on one hand the applicant is indirectly insisting for the enforcement of the disability pension P.P.O. while on the other hand he is also praying for setting aside of the Release Medical Board proceedings and reinstatement of the applicant. These two prayers are prima facie contradictory to each other and cannot run simultaneously. On query, Ld. Counsel for the applicant submitted that he shall restrict his prayer with regard to the reinstatement of applicant and he has no intention to claim disability pension. Additionally he submitted that he will not object even if the disability pension P.P.O. is cancelled.

Considering the totality of circumstances, the application for impleadment of the State Bank of India is hereby **rejected**.

List this case on **13.03.2019** for orders.

(Air Marshal B.B.P. Sinha)

(Justice S.V.S. Rathore)

Member (A)

Member (J)

AKD/UKT/-