

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

Suppl. 2. O.A. No. 880 of 2021 with M.A. No. 969 of 2022 and
M.A. No. 1042 of 2021 Along with O.A. no. 573 of 2022

Lt. Col. Awadhesh Kumar 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p><u>M.A. No. 969 of 2022</u></p> <p>Objection filed by the respondents is taken on record.</p> <p>Heard Shri Puru Mudgal, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This application has been filed seeking following amendments in the Original Application :-</p> <p>1. At page No. 6 in place of “APPLICATION ON BEHALF OF THE APPLICANT UNDER SECTION 14 OF THE ARMED FORCES TRIBUNAL ACT, 1007 FOR DECLARING THE TENTATIVE CHARGE SHEET DATED 12.07.2019 AS TIME BARRED AS PER SECTION 122 OF ARMY ACT AND DECLEARING THE ACTION OF RESPONDENTS IN DIRECTING THE APPLICANT TO PROCEED TO DRC FAIZABAD AFTER 25.11.2021 FOR DISCIPLINARY PROCEEDIGNS AS ILLEGAL” following be substituted :</p> <p style="text-align: center;">“APPLICATION ON BEHALF OF THE APPLICANT UNDER SECTION 15 OF THE ARMED FORCES TRIBUNAL ACT, 2007, FOR DECLARATION, QUASHING AND SETTING ASIDE ORDER DATED 08.04.2022, CHARGE SHEET DATED 02.01.2022 AND TENTATIVE CHARGE SHEET DATED 12.06.2019, BEING</p>

UNCONSTITUTIONAL AND IN CONTRAVENTION TO SECTION 122 OF THE ARMY ACT, 1950”.

2. In Para 1 of the Original Application “*Order dated 08.04.2022 and charge sheet dated 02.01.2022*” be added as impugned orders.

3. In para 4 of the Original Application after paragraph 4.16 following paragraphs be added:-

“4.17 That the Applicant was issued with a charge sheet dated 02.01.2022, upon which directions were passed by the competent convening authority for conducting the trial proceedings against the Applicant through General Court Martial, consequent to which GCM proceedings assembled against the Applicant at 39 GTC, Varanasi, where, the Applicant submitted his plea under Rule 53, Army Rules, 1954, for challenging the charge sheet and alleged convening order of GCM, being barred from time limitation under section 122 of the Army Act, 1950. The said plea of the Applicant was allowed by the GCM vide detailed speaking order dated 11.02.2022, however, the foregoing order was not confirmed by the confirming authority and the Applicant was issued with a non-speaking order dated 08.40.2022, for the intimation of re-assembly of GCM without stating any reason for non-confirmation of the GCM order dated 11.02.2022.

4.18 That the actions of the Respondents in toto are part of challenge by impugning the charge sheet dated 02.01.2022, and order dated 08.04.2022 passed by the confirming authority, therefore, the Applicant is challenging the non-speaking order dated 08.04.2022 passed by the confirming authority who failed to give any justified reasoning or explanation for non-confirming the detailed speaking order dated 11.02.2022 passed by GCM, whereby, the plea to bar under Rule 53, Army Rules, 1954, was allowed, thereby, declaring the convening of GCM against the Applicant as unconstitutional.”

4. In para 8 after “P” following be added :-

“Q. Because the charge sheet dated 02.01.2022 is utterly in contradiction with the averments made by the Respondents in tentative charge sheet dated 12.06.2019, wherein, the date of knowledge was claimed as '31.05.2018', whereas, in the alleged

charge sheet dated 02.01.2022, the Respondents quoted '24.01.2019' as the date of knowledge, which is an arbitrary and prejudice action by the Respondents to subject the Applicant to trial proceedings.

R. Because the GCM appropriately passed a detailed speaking order dated 11.02.2022, whereby, the plea to bar under rule 53, AR, 1954, was allowed by the GCM, however, the confirming authority failed to interpret the order in the light of the facts and dealing law in the present. Case.

S. Because the order dated 08.04.2022 passed by the confirming authority, holds no substance and is utterly an unjustified direction passed by the confirming authority, the order dated 08.04.2022 is a non-speaking order, which is no-est in the eyes of law, therefore, the same is liable to be set-aside.

T. Because the Respondents has accepted 31.05.2018 as the date of knowledge in the counter-affidavit submitted before Hon'ble AFT, PB, New Delhi, in case titled as 'Brig S.K. Gupta v. UOI & Ors.', which leave no scope for the Respondents to shrug their shoulders, therefore, considering the same, the charge sheet dated 02.01.2022 is hereby challenged and is liable to be set-aside."

5. In para 8 after (e) following reliefs be added :-

(f) To quash/set-aside the charge sheet dated 02.01.2022 and order dated 08.04.2022 passed by the respondents;

(g) To declare the charge sheet dated 02.01.2022, as unlawful being in violation of section 122 of the Army Act, 1950;

(h) To declare any assembly of GCM against the Applicant as unconstitutional being violative of section 122 of the Army Act, 1950.

Ld. Counsel for the applicant submits that Original Application was filed against tentative Charge sheet dated 12.07.2019 which had been issued in regard to irregularities in respect of demand and supply of stores during the period 10.07.2015 to 29.12.2015 when applicant was posted as Accounts Officer at Armed Forces Medical Stores Depot, Lucknow. The tentative charge sheet was challenged on the ground that no trial could be commenced in respect of offence after expiration of three years from the date of offence as provided under Section 122 of the Indian Army Act, 1950. It was also prayed to

set aside the Movement Order issued by the respondents directing applicant to report to DRC, Faizabad on or after 25.11.2021 for facing disciplinary proceedings and to release the promotion of the applicant which was illegally held. In the Original Application, Misc. Application No. 272 of 2022 was filed for the release of the applicant on bail from his close arrest as he was kept in close arrest in regard to disciplinary proceedings. The said Misc. Application was allowed on 11.03.2022 and applicant was granted bail. It is submitted that despite bail being granted to the applicant he has not yet been completely released as he is still confined to DRC, Faizabad in the name of disciplinary proceedings.

Ld. Counsel further submits that during the pendency of the above Original Application, charge sheet dated 02.01.2022 was served to the applicant to face disciplinary proceedings and order dated 08.04.2022 was issued in regard to re-convening of General Court Martial. Aggrieved with that applicant filed a Misc. Application being Misc. Application No. 429 of 2022 wherein he prayed that charge-sheet dated 02.01.2022 and order dated 08.04.2022 be set aside and respondents be directed to allow applicant to report to his parent Unit i.e. Base Hospital, Lucknow. In the said application the Tribunal passed the order dated 11.07.2022 observing that no interim relief in respect of charge sheet dated 02.01.2022 and order dated 08.04.2022 can be issued unless these are challenged in the Original Application. The Tribunal also directed that applicant may seek necessary amendments in the Original Application where-after this application has been filed.

He further submits that in the disciplinary proceeding applicant had taken a plea in bar under Rule 53 (1)(c) of the Army Rules, 1954 before the GCM which was allowed and trial against applicant being barred under Section 122 of the Army Act, 1950 being commenced after the expiration of three years from the date of offence the GCM was adjourned sine die. However, the findings of the GCM were later not confirmed by the GOC-in-Chief under Section 153 of the Indian Army Act, 1950, with the result respondents have issued order dated 08.40.2022 for re-convening the GCM to hold trial against the applicant, hence the amendment has necessitated.

He further submits that if amendment is allowed, this will not change the nature of the Original Application as charge sheet which has been served to the applicant during the pendency of Original Application and reconvening of

the GCM are the by-products of the tentative charge sheet. Since the disciplinary proceedings are in challenge, including the charge sheet, even if the amendments are allowed the nature of the Original Application would not be changed but will remain intact.

Ld. Counsel for the respondents, on the other hand, submits that amendment sought in the Original Application is not permissible in law, hence, the same cannot be allowed. He submits that if amendment is allowed the basic nature of Original Application would be changed into an Appeal Application which is not permitted in law. He submits that an application under Section 14 of the Armed Forces Tribunal Act, 2007 is filed in respect of service matters, whereas application under section 15 is filed in matters of Appeal against Court Martial or any matter connected therewith or incidental thereto. He further submits that Original Application was filed against tentative charge sheet dated 12.07.2019 which after the service of regular charge sheet to the applicant seized to exist and Original Application was rendered infructuous and was therefore liable to be dismissed as such. However, applicant preferred Misc. Application being Misc. Application No. 429 of 2022 seeking interim measures in respect of charge sheet dated 02.01.2022 and order dated 08.04.2022 regarding re-convening of GCM which being not permissible in law the same was not allowed rather applicant was directed to seek amendment in the Original Application.

Ld. Counsel submits that order dated 11.07.2022 cannot be treated as liberty given to the applicant by the Tribunal to seek amendment in the Original Application which is not legally permissible. Since after the service of regular charge sheet to the applicant, the Original Application has rendered infructuous, no amendment can be allowed in the Original Application in the garb of order dated 11.07.2022 which changes complete nature of the Original Application.

During the course of hearing an oral prayer was made by the Ld. Counsel for the applicant that if Tribunal comes to conclusion that proposed amendment is not permissible in law, applicant may be permitted to withdraw the Original Application with liberty to file a fresh by filing application under Section 15 of the Armed Forces Tribunal Act, 2007.

Upon hearing submissions of Ld. Counsel of both sides and perusing the facts stated in the Original Application and amendment sought to be made

therein, we find that this Original Application has been filed in respect of tentative charge sheet dated 12.07.2019 issued in respect of alleged irregularities committed by the applicant regarding demand and supply of stores during the period 10.07.2015 to 29.12.2015 when the applicant was posted as Accounts Officer at Armed Forces Medical Stores Depot, Lucknow. During the course of this application charge sheet dated 02.01.2022 was served to the applicant to face trial in respect of alleged irregularities and he was taken into close arrest in respect to which a Misc. Application No. 272 of 2022 was moved which was allowed and applicant was enlarged on bail. Thereafter, he moved another Misc. Application No. 429 of 2022 seeking setting aside of charge sheet dated 02.01.2022 and order dated 08.04.2022 regarding re-convening of the GCM. It was prayed in this application that besides setting aside the charge sheet dated 02.01.2022 and order dated 08.04.2022 applicant be also allowed to report to his parent Unit i.e. Base Hospital, Lucknow which was heard and it was observed that no order in regard to prayer can be passed unless charge sheet dated 02.01.2022 and order dated 08.04.2022 are challenged in the Original Application.

Thus, it appears that the service of charge sheet dated 02.01.2022 and order dated 08.04.2022 being not challenged, the Original Application which has been filed against tentative charge sheet has rendered infructuous and deserves to be dismissed as such.

As noticed above, application under Section 14 of the Armed Forces Tribunal Act, 2007 is filed in respect of service matters whereas application under Section 15 of the Armed Forces Tribunal Act, 2007 is filed in the matters of Appeal against Court Martial or in matter connected therewith or incidental thereto. Both are distinct provisions meant for distinct purposes and, therefore, they cannot be muddled together. After regular charge sheet being served to the applicant Original Application stood rendered infructuous and it was obligatory for the applicant to file an Original Application (Appeal) in respect of charge sheet dated 02.01.2022 and order dated 08.04.2022 under Section 15 of the Armed Forces Tribunal Act, 2007 as these are not service matters, but are the matters connected with Court Martial which can be challenged under Section 15 of the Armed Forces Tribunal Act, 2007 only. Since matters under Section 14 and 15 of the Armed Forces Tribunal Act, 2007 are distinct with each other as they deal with different subjects, they cannot be clubbed

together by way of amendment in the application.

It is settled in law that amendments in pleadings can be made at any stage of the case. However, while allowing the amendments Courts are supposed to be cautious to ensure that basic nature of the Suit/Application are not changed, while allowing the amendment. This has been held time and again by the Hon'ble Apex Court in number of cases of which a few are quoted below:-

1. Alkapuri Coop. Housing Society Vs. Jayantibhai Naginbhai (Deceased), Civil Appeal No. 154 of 2009, decided on 09.01.2009.
2. Ashutosh Chaturvedi Vs Prano Devi @ Parani Devi & Others, Civil Appeal No. 2893 of 2008, decided on 22.04.2008.
3. Bharat Karsondas Thakkar Vs M/s Kiran Construction Co. & Others, Civil Appeal No. 2573 of 2008, decided on 09.04.2008.

In view of the aforesaid, we are of the considered view that if amendment is allowed in the Original Application this will change the basic nature of the Original Application, an Original Application will be changed into Appeal Application which is not permissible in law. We also find that with service of charge sheet dated 02.01.2022 to the applicant the Original Application has rendered infructuous and is liable to be dismissed as such. We are also of the view that if applicant feels aggrieved with charge-sheet dated 02.01.2022 and order dated 08.04.2022 re-convening the Court Martial, he can challenge the same by filing Original Application (Appeal) under Section 15 of the Armed Forces Tribunal Act, 2007.

It is relevant to mention here that in trial held against applicant he had taken a plea in bar under Rule 53(1)(c) of the Army Rules, 1954 on the ground that trial being barred by time being commenced after three years from the date of offence, as provided under Section 122 of the Indian Army Act, 1950, cannot be proceeded against him. This plea was allowed by the GCM, however, findings were not confirmed by the GOC-in-Chief under Section 153 of the Indian Army Act, 1950, as a result of which GCM has been re-convened by order dated 08.04.2022 of the GOC-in-Chief. Against this, remedy is provided to the applicant to file post confirmation petition under Section 164 (2) of the Indian Army Act, 1950. So, if applicant decides to file application under Section 15 of the Armed Forces Tribunal Act, 2007 challenging charge sheet

dated 02.01.2022 and order dated 08.04.2022, he can do this after availing remedy available to him under Section 164(2) of the Indian Army Act, 1950 as provided under Section 21(1) of the Armed Forces Tribunal Act, 2007.

In view of the above, amendment application being not permissible in law is dismissed.

O.A. No. 880 of 2021

As prayed by the Ld. Counsel for the applicant, the Original Application is dismissed as withdrawn with liberty to file a fresh.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

3. O.A. No. 1006 of 2022 with M.A. No. 1217 of 2022

Sgt. Ashish Shukla (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
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Heard Ms. Upasna Mishra, Shri Raj Kumar Mishra and Shri Kapil Sharma, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed for the grant of disability pension. There is a delay of 02 months and 26 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1006 of 2022</u></p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicant that disability claim of the applicant has been wrongly denied by the respondents.</p> <p style="text-align: center;">Case needs adjudication. Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List on 23.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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E-Court

4. O.A. No. 1008 of 2022 with M.A. No. 1219 of 2022

MWO Shambhu Sharan Singh (Retd.)
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Ms. Purna Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Ms. Upasna Mishra, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Purna Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of notional increment. There is a delay of 02 months and 26 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1005 of 2022</u></p> <p>Heard Ms. Upasna Mishra, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Purna Singh, Ld. Counsel for the respondents.</p> <p>Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1st July, as the date of increment for all Government Employees, thereafter, the applicant being enrolled on 15.12.1979 and retired on 30.06.2019 is entitled for grant of last increment due on 01.07.2019 as per decision of the Hon'ble Madras High Court in the case of <i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i> (W.P. No. 15732 of</p>

2017, decided on 15.09.2017) and this Tribunal judgment in OA 366 of 2020, **Ex HFL Sarvesh Kumar vs. Union of India & Ors**, decided on 12.08.2021.

On the other hand, Ld. Counsel for the respondents contended that the applicant had served for complete one year from the date of his last annual increment, but he had not been granted annual increment as on the date of his discharge i.e. 30.06.2019 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2019. Therefore, benefit of the Hon'ble Madras High Court order being *in personam* cannot be extended to the applicant and hence, Original Application is liable to be dismissed.

The law on notional increment has already been settled by the Hon'ble Madras High Court in the case of **P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others** (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-

“5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.

6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep. by its Secretary to Government, Finance Department and others v. M. Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.

7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed

by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

In view of law laid down by the Hon'ble Madras High Court, upheld by the Hon'ble Apex Court, we are of the view that since the applicant had completed one full year service as on 30.06.2019, but the increment fell due on the next day of his retirement 01.07.2019, on which date he was not in service, he has to be treated as having completed one full year of service.

In view of the above, the Original Application is allowed. The impugned order, if any, is set aside. The applicant shall be given one notional increment for the period from 01.07.2018 to 30.06.2019, as he has completed one full year of service, though his increment fell on 01.07.2019, for the purpose of pensionary benefits and not for any other purpose, subject to verification of records. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

Let a copy of this order be provided to the learned Counsel for the parties.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

5. Ex. A. No. 362 of 2022 Inre : O.A. No. 353 of 2021

Ex. JWO Bharat 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 06.05.2022 of this Tribunal in Original Application No. 353 of 2021.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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7. O.A. No. 364 of 2022 with M.A. No. 1208 of 2022 Inre : O.A. NO. 343 of 2021

Ex. JWO Vinod Kumar Chowbey
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1208 of 2022</u></p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that in compliance of the order PPO has been generated on 16.06.2022. However, no payment has been received in applicant's account yet. A prayer has been made by the Ld. Counsel for the applicant that Principal Controller of Defence Accounts (Pension), Prayagraj be allowed to be impladed as respondent No. 6 in the Execution Application.</p> <p style="text-align: justify;">Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj is present and he submits that in the case in hand PPO has been migrated to SPARSH, therefore, a fresh PPO is required to be issued for which the case has been forwarded to Director, Air Veterans, Air Headquarters, AFRO Building, Subroto Park, New Delhi, who is respondent No. 4 in the Execution Application.</p> <p style="text-align: justify;">Respondent No. 4 is directed to initiate the claim for SPARSH PPO and to get affidavit of compliance filed within four weeks.</p> <p style="text-align: center;">List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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E-Court

8. Ex. A. No. 365 of 2022 Inre : O.A. No. 60 of 2021

Ex. JWO Shashi Bhushan Pandey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Rajesh Shukla, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 11.10.2021 of this Tribunal in Original Application No. 60 of 2021.</p> <p>Ld. Counsel for the applicant submits that order has not been complied with yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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E-Court

9. Ex. A. No. 366 o f2022 Inre : O.A. No. 49 of 2022

Ex. JWO Bhola Prasad Shaw
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 18.05.2022 of this Tribunal in Original Application No. 49 of 2022.</p> <p>Ld. Counsel for the applicant submits that order has not been complied with yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 30.01.2023.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

10. Ex. A. No. 367 of 2022 Inre : O.A. No. 471 of 2021

Ex. WO Rajiv Bhatia 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Amit Jailswal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal , Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 21.05.2022 of this Tribunal in Original Application No. 471 of 2021.</p> <p>Ld. Counsel for the applicant submits that order has not been complied with yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

11. T.A. No. 61 of 2022

Gnr. Ajay Singh S/o Shri Dushyant 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing no one is present on behalf of the applicant.</p> <p>Shri Santosh Kumar Rai, Advocate and Shri Hemendra Kumar Rai, Advocate appeared on behalf of the respondent No. 5 and filed Vakalatnama which is taken on record. Their names be shown as Counsel for the respondent No. 5 when the case is listed next.</p> <p>Ms. Anju Singh, Ld. Counsel appears on behalf of the respondent Nos. 1 to 4 and she has filed Memo of Appearance which is taken on record. Her name be shown as Counsel for the respondent Nos. 1 to 4 when the case is listed next.</p> <p>This case has been received by transfer from Allahabad High Court. Issue notice to the applicant returnable within four weeks. List on 24.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

12. T.A. No. 62 of 2022

Ex. Rect. Om Prakash S/o Late Lakhman 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">This case has been received by transfer from Allahabad High Court. No one is present on behalf of the applicant.</p> <p style="text-align: center;">Dr. Shailendra Sharma Atal, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Issue notice to the applicant returnable within four weeks.</p> <p style="text-align: center;">List on 03.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

14. T.A. No. 64 of 2022

Shri Radhey Shyam Tripathi F/o Late Nk. Mukta Nand 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
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">This case has been received by transfer from Allahabad High Court. Vakalatnama received through e. mail by Shri Udhav Shnkar Maurya, Advocate on behalf of applicant is taken on record.</p> <p style="text-align: center;">Memo of Appearance filed by Shri Manu Kumar Srivastava, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Udhav Shankar Maurya, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Shri Udhav Shankar Maurya, Ld. Counsel for the applicant submits that this application has been filed for the grant of benefits of AGI to the applicant.</p> <p style="text-align: center;">He further submits that during the pendency of application grievance has been redressed, therefore, Transferred Application be dismissed being infructuous.</p> <p style="text-align: center;">In view of the above, Transferred Application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

15. T.A. No. 65 of 2022

Pnr. Ramashankar Ram S/o Garjan
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">This case has been received by transfer from Allahabad High Court.</p> <p style="text-align: center;">On the case being taken up for hearing the applicant Pnr. Ramashankar Ram is present in person and he submits that he will engage some other Counsel to pursue his case, time be granted.</p> <p style="text-align: center;">Dr. Chet Narayan Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Applicant is permitted to file fresh Vakalatnama within two eeks.</p> <p style="text-align: center;">List on 11.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

16. Ex. A. No. 221 of 2022 Inre : O.A. No. 688 of 2021

Ex. Nk. Neerpal 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Major Tarun, Departmental Representative of the respondents.</p> <p>Major Tarun, Departmental Representative of the respondents submits that respondents had preferred a Review Application as well as Leave to Appeal application against decision of this Tribunal which had been dismissed on 25.04.2022 and 23.09.2022 respectively. Thereafter, respondents have forwarded the case of the applicant seeking opinion of the competent authority but the same has not been received yet.</p> <p>The order to be implemented is dated 21.01.2022.</p> <p>Respondents are directed to make compliance of the order within four weeks else they will be liable to pay Rs.10,000/- as cost to the applicant.</p> <p>List on 18.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

17. Ex. A. No. 265 of 2022 Inre : O.A. No. 640 of 2021

Ex. Nk. Jagpal 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents four weeks further time is granted to file affidavit of compliance. It is directed that in the event of order being not complied with within the given time, respondents shall be liable to pay Rs.5,000/- as cost to the applicant.</p> <p style="text-align: center;">List on 20.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

18. M.A. No. 1847 of 2017 Inre : O.A. No. (Nil) of 2017

Prahlad Ram Meena 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri D.S. Kauntae, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for issuing direction to the respondents to reinstate the applicant in service.</p> <p>There being a delay in filing the Original Application a delay condonation application has been filed.</p> <p>Ld. Counsel for the applicant submits that applicant has preferred a Statutory Compliant under Section 26 of the Indian Army Act, 1950 against his order of discharge, but the same has not been decided yet. There is a delay of 55 days only in filing the Original Application which is not deliberate.</p> <p>On the other hand, Ld. Counsel for the respondents submits that applicant has been discharged from service by order dated 11.01.2014 passed by the Commander, 115 Infantry Brigade of which the office is situated at Sagar in Madhya Pradesh, therefore, this Tribunal has no territorial jurisdiction to entertain the Original Application.</p> <p>In regard to delay, she submits that there is a delay of more than three years and not 55 days, as submitted by the applicant, and since no sufficient explanation has been offered for the said delay, the same is not liable to be condoned.</p> <p>We have gone through the facts and circumstances of the case as</p>

well as copies of letter dated 11.01.2014 and Part – II Order which have been filed at page No. 34 and 35 along with Original Application. A perusal of these shows that Part-II Order regarding local discharge of the applicant has been issued by the 5 JAT Regiment, Bareilly and, in view of this, this Tribunal has territorial jurisdiction to entertain the Original Application.

As regards the delay, cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off accordingly.

Let Original Application be registered.

O.A. No. 1017 of 2022

Case needs adjudication.

Admit.

Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.

List on **27.02.2023**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

19. M.A. No. 913 of 2022 with M.A. No. 914 of 2022 Inre : O.A. No. 45 of 2016

Ex. Sep. Yogesh giri 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri D.S. Kauntae, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">A supplementary affidavit has been filed in support of recall application which is taken on record.</p> <p style="text-align: center;">Ms. Appoli Srivastava, Ld. Counsel for the respondents submits that she needs time to file objection against delay condonation application.</p> <p style="text-align: center;">Objection may be filed within three weeks.</p> <p style="text-align: center;">List on 27.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

20. M.A. No. 936 of 2022 with M.A. No. 937 of 2022 Inre : M.A. No. 1513 of 2018
Inre : O.A. No. (Nil) of 2018

Ex. Hav./Clk. Ram Kuwar 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri D.S. Kauntae, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Objection to recall application filed by the respondents is taken on record.</p> <p>Let copy of objection be furnished to the Ld. Counsel for the applicant on WhatsApp after WhatsApp number being furnished by him.</p> <p>List on 27.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

21. O.A. No. 81 of 2022

Cpl. R.s. Deo 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ajeet Yadav and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>Ld. Counsel for the applicant prays for and is granted three weeks time to file Rejoinder Affidavit.</p> <p>List on 09.01.2023 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p><small>AKD/-</small></p>

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

Suppl. 1. Ex. A. No. 371 of 2022 Inre : O.A. No. 135 of 2021

Smt. Bhagwan Devi W/o Late Ex. Sep. Jagvir 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 25.03.2022 of this Tribunal in Original Application No. 135 of 2021 by which respondents have been directed to grant interest on arrears of family pension @6% per annum within a period of four months from the date of order.</p> <p>It is submitted by the Ld. Counsel for the applicant that order has not yet been complied yet.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on 23.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

26.O.A. No. 661 of 2022

Gdmn BirendraUpadhyay (Retd)
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Sarvesh Kumar Verma, holding brief of Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents assisted by Maj Tarun, Departmental representative are present.</p> <p>Departmental representative submits that parawise comments have been received. He prays for and is granted two weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.</p> <p>List on 23.01.2023.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) ukt/-</p>

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

27. O.A.(A) No. 500 of 2017

VijaiMisra

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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Col. A.K.Srivastava (Retd), Shri Dharma Raj Singh and Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Shri YogeshKesarwani, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 24.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) ukt/-</p>

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

28. O.A.(A) No. 251 of 2021

Hav. Abdul Wasim Khan Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri ViratAnand Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 05.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

30. DY. No. 2665 of 2022

HFO Biswas Kumar Gupta
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Wg. Cdr. AjitKakkar (Retd), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Delay condonation application has been filed by the applicant which is taken on record. Defects stand removed. Reasons given in affidavit filed in support of application for condonation of delay are sufficient. Delay in filing application is condoned.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Issue Notice to respondents. Shri Amit Jaiswal, has accepted the notice on behalf of respondents, hence service of notice is waived.</p> <p>Respondents may file counter affidavit within two weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 27.01.2023.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) ukt/-</p>

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

31. O.A. No. 265 of 2014

Abhishek Pandey

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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri T.N. Tiwari and Wg. Cdr S.N. Dwivedi (Retd), Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 15.12.2022 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

32. O.A. No.91 of 2017 along with M.A. No. 470 of 2018

Jageshwar 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri D.S. Kauntae, Ld. Counsel for the applicant and Shri R.K.S Chauhan, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 27.02.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) ukt/-</p>

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

33. O.A. No. 241 of 2018

Anuj 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 30.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

34. O.A. No. 265 of 2018

Deo Kumar 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
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri YogeshKesarwani, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 31.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

35. O.A. No. 345 of 2019

Air Vice Marshal Rajesh Isser, AVSM, VM (Gallentary)
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra and Shri Kapil Sharma, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 01.02.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

36. O.A. No. 544 of 2019 with M.A. No. 851 of 2019

Sub Maj (RT) Ran Bahadur 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri VinayMisra and Shri Yashpal Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 13.12.2022 for physical hearing.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

37. O.A. No. 121 of 2020

Ex. Rect. Sukhwant Singh
By Legal Practitioner for the Applicant

Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>Rejoinder affidavit has been filed today in the Court which is taken on record.</p> <p>Case needs physical hearing.</p> <p>List on 16.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

38. O.A. No. 136 of 2020

Ex. Sub MinhazAsgar 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p style="text-align: center;">List on 19.01.2023 for physical hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

39. O.A. No. 762 of 2020

Col. Sanjeev Kumar Varshney (Retd)
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri ViratAnand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 02.02.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

40. O.A. No. 9 of 2021

Vipin 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri DharmendraAwasthi, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 11.01.2023.</p> <p style="text-align: center;">(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

41. O.A. No. 203 of 2021

Hav (AmbAsst) Rambalee 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Om Prakash Kushwaha and Shri K.P.Datta, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p style="text-align: center;">List on 06.02.2023 for physical hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>Ukt/-</p>

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

42. O.A. No. 594 of 2021

Smt. Mamta Chauhan Widow of Late MajVirendra 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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri ViratAnand Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 16.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

43. O.A.(A) No. 3 of 2013

Shyambir Singh

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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri D.S. Kauntae, Ld. Counsel and appellant In person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 27.02.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

44. O.A.(A) No. 309 of 2016

GyanendraMadhukar Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Devensh Bhardwaj, Ld. Counsel for the appellant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 06.02.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

45. T.A. No. 19 of 2017 with M.A. No. 799 of 2017

Sepoy Vinod Kumar Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri D.S. Kauntae, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on 27.02.2023 for physical hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

46. T.A. No. 2 of 2019

Ex. L Nk R.A. 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
	<p><u>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri ShivendraPratap Singh and Vivekanand, Ld. Counsel for the petitioner and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on 07.02.2023 for physical hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>

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

47. O.A.(A) No. 461 of 2018

Ex. Sgt. GajendraTripathi
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>01.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral AbhayRaghunathKarve, Member (A)</u></p> <p>On the case being taken up for hearing Shri G.C. Verma, Ld. Counsel for the appellant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 09.02.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents for perusal of the Bench.</p> <p>(Vice Admiral AbhayRaghunathKarve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>ukt/-</p>