

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

O.A. No. 668 of 2021

Ex. Hav. 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>02.02.2022</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;">Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</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 (E. Court)

O.A. No. 64 of 2022 with M.A. No. 86 of 2022

Ex. Hav. Ashok 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>02.02.2022</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 Rajiv Pandey, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align:justify">Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p style="text-align:justify">The Original Application has been filed with delay of 15 years, 05 months and 13 days.</p> <p style="text-align:justify">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align:justify">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p style="text-align:justify">Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align:justify">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 64 of 2022</u></p> <p style="text-align:justify">It is a fit case for adjudication.</p> <p style="text-align:justify">Admit.</p> <p style="text-align:justify">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:justify">List the matter before Registrar on 22.03.2022 for exchange of pleadings.</p> <p style="text-align:justify">List the matter before Tribunal on 20.04.2022.</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 (E. Court)

O.A. No. 65 of 2022

Ex. Sub. Maj. Nigam 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>02.02.2022</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 Shri D.K. Pandey, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">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 the matter before Registrar on 22.03.2022 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 20.04.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (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
Court No.1 (E. Court)

O.A. No. 66 of 2022 with M.A. No. 89 of 2022

Ex. Hav. Virendra Pal 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>02.02.2022</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 Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Dharam Raj Singh and Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.</p> <p>As per office note, there is no delay in filing of Original Application, however, an application for condonation of delay has been moved which being not required is dismissed.</p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>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>List the matter before Registrar on 22.03.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 20.04.2022.</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 (E. Court)

Ex. A. No. 17 of 2022 Inre : O.A. No. 636 of 2020

Ex. Sep. Krishna Pal Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>02.02.2022</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;">On the case being taken up for hearing Dr. Gyan Singh, Advocate appears on behalf of the respondents and submits that Memo of Appearance will be filed in the registry during the course of the day.</p> <p style="text-align: justify;">Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed two weeks time to seek instructions in the matter.</p> <p style="text-align: justify;">List on 28.03.2022.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center; vertical-align: bottom;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center; vertical-align: bottom;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 10px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

M.A. No. 92 of 2022 with M.A. No. 93 of 2022 Inre : O.A. No. 103 of 2018

Ayodhya Prasad 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>02.02.2022</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 Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri S.G. Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This is an application for recall of order dated 02.09.2021 in Original Application No. 103 of 2018 by which Original Application has been dismissed being abated.</p> <p style="text-align: center;">In view of facts averred in affidavit filed in support of application, order dated 02.09.2021 is recalled.</p> <p style="text-align: center;">Accordingly, Original Application be restored to its number.</p> <p><u>O.A. No. 103 of 2018</u></p> <p style="text-align: center;">List on 03.03.2022.</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
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

Ex. A. No. 112 of 2019 Inre : O.A. No. 87 of 2016

Ex. Nk. (TS) Diwan Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>02.02.2022</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;">Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad) is also present.</p> <p style="text-align: justify;">Ld. Counsel for the respondents submits that in compliance to order dated 03.12.2021 Corrigendum PPO has been issued and its copy has been forwarded to Ld. Counsel for the applicant also. A copy of Corrigendum PPO has been forwarded on Mobile Phone of Bench Secretary of this Tribunal also for perusal of the Bench.</p> <p style="text-align: justify;">We have gone through the Corrigendum PPO and we find that it is in terms of order. It appears that order has been complied with.</p> <p style="text-align: justify;">Accordingly, Execution Application is dismissed being infructuous.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 143 of 2021

Hav/PA Vishal Bakshi
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>02.02.2022</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 Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that when Original Application was filed the main dispute in the case was regarding fixation of basic pay of the applicant at entry level. After the filing of Original Application the anomaly was resolved and applicant's basic pay has been fixed at Rs.6,460/- as in case of pre-2006 appointees and arrears Rs.1,30,012/- has also been credited in applicant's account. He submits that since respondents have not filed any due and drawn statement along with Counter Affidavit, it is not possible to the applicant to re-check whether basic pay of the applicant in all ranks have been correctly fixed or not. Therefore, he prayed that a direction be issued to the respondents to file due and drawn statement.</p> <p>In view of above, respondents are directed to file due and drawn statement of arrears paid to the applicant within three weeks.</p> <p>List on 16.03.2022.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance.</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 (E. Court)

O.A. No. 566 of 2021

Hav (DSC) Chandra Pal Singh Chauhan (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>02.02.2022</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents assisted by Capt Priyanka, Departmental Representative of the respondents.</p> <p>In regard to applicant's claim relating to fixation of his basic pay at par alongwith his junior, learned counsel for the respondents, on instructions received, submits that with effect from 07.11.2005 the applicant's basic pay has been fixed at par with his junior at Rs. 3570/- per month with DNI on 01.07.2006. He also submits that on account of re-fixation arrear amounting to Rs. 27934/- is payable to the applicant.</p> <p>The above submission is required to be brought on record.</p> <p>Respondents are therefore, directed to file affidavit stating aforesaid facts within two weeks from today.</p> <p>List on 01.03.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 (E. Court)

O.A. No. 601 of 2021

Ex. Hav 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>02.02.2022</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 Dr. Amit Asthana, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents.</p> <p>Maj Sini Thomas, Departmental Representative who is present during hearing, submits that Counter Affidavit filed in case is not based on comments which were forwarded to Dr. S.N. Pandey, therefore, the same be returned and respondents be permitted to file fresh Counter Affidavit. She also submits that a letter has been forwarded to Central Government Standing Counsel for change of counsel.</p> <p>Dr. S.N. Pandey, learned counsel for the respondents submits that he has filed the Counter Affidavit as per instructions received. He further submits that Counter Affidavit be taken on record.</p> <p>The above submissions refer that there is some conflict between respondents and their counsel with regard to contents of Counter Affidavit.</p> <p>Taking note of the aforesaid and also that respondents intend to file fresh Counter Affidavit in the matter after withdrawing the earlier, Counter Affidavit is returned to the respondents with liberty to file afresh within two weeks.</p> <p style="text-align: center;">List on 28.02.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 605 of 2021

Ex. Nk Sardar Alam 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>02.02.2022</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>Counter affidavit filed by the respondents is taken on record. Heard Shri VP Pandey, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents. Original Application is allowed. For order, see our judgment passed on separate sheets. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed off.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 (E. Court)

O.A. No. 607 of 2021

Ex. MWO Rajesh 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>02.02.2022</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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed two days further time is granted to file counter affidavit.</p> <p>List on 09.02.2022 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 (E. Court)

O.A. No. 819 of 2021

Hony Nb Sub Bhagwati Prasad 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>02.02.2022</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;">On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Deepti P Bajpai, Ld. Counsel for the respondent Nos. 1 to 4 and Shri Yogesh Chandra Bhatt, learned counsel for respondent Nos. 5 & 6 are present.</p> <p style="text-align: justify;">Vakalatnama filed by Shri Yogesh Chandra Bhatt is taken on record.</p> <p style="text-align: justify;">Learned counsel for respondent Nos. 5 & 6 prays for and is granted two weeks time to file counter affidavit.</p> <p style="text-align: justify;">List on 08.03.2022.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 335 of 2021

Smt. Prem Lata Singh W/o Late Ex. Sep Surendra Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2022</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents are present.</p> <p>On the request of learned counsel for the applicant a week further time is granted to file rejoinder affidavit.</p> <p>List on 08.03.2022 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 (E. Court)

O.A. No. 456 of 2021

Rect Satyendra Kumar Dwivedi
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>02.02.2022</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 Vinay Pandey, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondent Nos. 1 to 3 and Shri Hari Prasad Srivastava, Ld. Counsel for the respondent Nos. 4 & 5 are present.</p> <p>Counter affidavit has been filed today by respondent Nos. 4 & 5 is taken on record.</p> <p>Learned counsel for the applicant seeks and is allowed two weeks time to file rejoinder affidavit.</p> <p>List on 04.03.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 (E. Court)

O.A. No. 500 of 2017

Ex. Hav Bhola Prasad 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>02.02.2022</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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant submits that rejoinder affidavit has been filed today in the Registry.</p> <p>Let it be placed on record.</p> <p>List on 08.03.2022 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 (E. Court)

O.A. No 273 of 2021

Bachchu 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>02.02.2022</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 BB Tripathi and Shri Amit Verma, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra , Ld. Counsel for the Respondents No 1 to 3.</p> <p>No one is present on behalf of Respondent No 4 and 5 despite notice being sufficiently served upon them. .</p> <p>Rejoinder affidavit filed by the applicant is taken on record.</p> <p>This application has been filed for issuing directions to respondents to pay war injury element pension to the applicant pursuant to letter dated 05.01.2021, 04.02.2021 and 16.03.2021 issued from the office of Respondent No 3.</p> <p>Learned counsel for the applicant submits that in view of above letters, applicant is entitled to war injury element alongwith service element @ Rs. 19404/- with effect from 01.01.2016 as per Circular No 570 dated 31.10.2016.</p> <p>In reply, learned counsel for the Respondents No 1 to 3 submits that in compliance to letter, applicant has been allowed war injury element @ Rs. 19,404/- with effect from 01.01.2016 and PPO has been issued in this regard. He further submits that applicant himself has filed the copy of PPO along with rejoinder affidavit.</p>

During the course of hearing, Shri RK Tiwari, Account Officer, PCDA, (P), Allahabad was present in the court and he submitted that in compliance to PPO, applicant is receiving service element @ Rs. 19,404/- and war injury element at the same rate with effect from 01.01.2016. He further submits that applicant's date of birth was wrongly entered in the system as 15.02.1934, resulting he was wrongly receiving additional pension @ Rs 11,644/-. He submits that after anomaly being detected, the excess payment of Rs. 2,00,000/- and Rs, 7,537/- paid excessively towards war injury pension has been deducted from the payment account of the applicant on 03.11.2021 which is exclusively in terms of PPO.

In view of aforesaid submissions, it appears that applicant is already in receipt of war injury element @ Rs 19,404/- with effect from 01.01.2016 which is in addition to service element at the same rate from the same date. It also appears that recovery made from the applicant is towards excess payment made to him due to wrong entry of date of birth of the applicant in system. It also shows that grievance raised in O.A. does not stand to fact.

In the result, O.A. is dismissed.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-

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

T.A. No 40 of 2017

Lakhan 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>02.02.2022</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 Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>No one appears on behalf of the applicant.</p> <p>Learned counsel for the respondents has produced a copy of order of Hon'ble Allahabad High Court passed in Special Appeal No 300 of 2014, Union of India and others vs Lakhan Singh dated 19.05.2017.</p> <p>On perusal of order it appears that Hon'ble Allahabad High Court while allowing Special Appeal filed against the order of Hon'ble single judge of the Allahabad High Court has remitted the writ petition to this Tribunal for deciding it a fresh.</p> <p>In light of observations made in the order list on 14.02.2022 for physical hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

