

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

By Circulation

R.A. No. 40 of 2022 Inre : O.A. No. 801 of 2021

Ex. Hav. (Hony. Nb. Sub.) Vinod Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.05.2022</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 Review Application has been placed before us by Circulation.</p> <p>The Review Applicant has filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review and setting aside the judgement and order dated 21.03.2022 of this Tribunal passed in Original Application No.801 of 2021 by which the Original Application was allowed and the applicant was held entitled to the benefit of rounding off of disability element from 20% for life to 50% for life with effect from three years prior to the date of filing of Original Application.</p> <p>It is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed.</p> <p>For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-</p> <p><i>"1. Application for review of judgment.- (1) any person considering himself aggrieved-</i></p> <p style="margin-left: 40px;"><i>(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,</i></p> <p style="margin-left: 40px;"><i>(b) by a decree or order from which no appeal is allowed, or</i></p> <p style="margin-left: 40px;"><i>(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record , or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."</i></p> <p>In view of the principles of law laid down by the Hon'ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon'ble Supreme Court in Para 9 of its judgment in the case of <i>Parsion Devi and others vs. Sumitri Devi and others</i>, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-</p>

“9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self- evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

We have gone through the judgment and order sought to be reviewed and no illegality or irregularity or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

In the result, Review Application is **rejected**.

(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
Court No.1 (E-Court)

Ex. A. No. 33 of 2020 Inre : O.A. No. 522 of 2017

Ex. Hony. Nb. Sub. Niyaz Ahmed
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>04.05.2022</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 V.P. Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents, on the instructions received, submits that Government Sanction has been issued in the matter on 24.03.2022. He further submits that four weeks further time be granted to file affidavit of compliance.</p> <p style="text-align: center;">Respondents to file affidavit of compliance within four weeks, as prayed, annexing therewith report of RSMB also since as per applicant, the RSMB as directed in the order has also been held in the matter.</p> <p style="text-align: center;">List on 20.07.2022.</p> <p style="text-align: center;">Let copy of this order be given to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</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
Court No.1 (E-Court)

O.A. No. 661 of 2021

Smt. Mithlesh Devi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.05.2022</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 Virat Anand Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondent Nos. 1 to 3 are present.</p> <p>Counter Affidavit filed by the respondent Nos. 1 to 3 and respondent No. 4 are taken on record.</p> <p>Notice issued to respondent No. 5 has been received by her. She has sent a letter dated 17.12.2021 stating that she has not received the copy of Original Application and given her address for further correspondence.</p> <p>Applicant is directed to send a copy of Original Application to the respondent No. 5 forthwith on the following address :-</p> <p style="text-align: center;">Mrs. Akanksha Singh C/o Shri Raghwendra Singh Village Shishupur, PO – Karbigwan Tehsil & Thana – Narwal District – Kanpur Nagar Pin-209401 (U.P.) Mob. 9839865392</p> <p>On receipt of copy of Original Application, respondent No. 5 to file Counter Affidavit within four weeks.</p> <p>List on 26.07.2022.</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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E-Court)

O.A. No. 123 of 2022

WO Rajmuni (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>04.05.2022</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 Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Raj Kumar Mishra, Shri Madan Pal Vats and Dr. Abhay Kant Upadhyay, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, 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 on 06.07.2022.</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
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E-Court)

O.A. No. 139 of 2022

Ex. SWR Mithilesh Kumar 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>04.05.2022</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 Shyam Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The innocuous prayer of the applicant is that to direct the respondents to decide the applicant's Appeal/representation dated 02.08.2021, which is pending with the respondents.</p> <p style="text-align: center;">With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to decide the applicant's Appeal/representation dated 02.08.2021, annexed as Annexure No. A-1 of Original Application, by a speaking and reasoned order in accordance with law, if not already decided, within a period of four months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly.</p> <p style="text-align: center;">Let copy of this order be provided to the learned Counsel for the parties.</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>

