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

O.A. No. 446 of 2021

Ex. Lance Dfr. Vir Pal 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri K.K. Misra, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 865 of 2021

Col. (TS) Ezajullah Ansari (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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 222 of 2022

Ex. Hav. Haricharan Singh Yadav 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**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability element of disability pension. Briefly stated, applicant was enrolled in the Corps of Signals of Indian Army on 13.06.1968 and was invalided out from service on 19.03.1987 in Low Medical Category under Rule 13(3) Item III (iii) of the Army Rules, 1954. At the time of invaliding from service, the Invaliding Medical Board (IMB) held at Military Hospita, Danapur on 24.02.1987 assessed his disability **'SCHIZOPHRENIA EEE (PSY)'** @50% for two years and opined the disability to be neither attributable to nor aggravated (NANA) by service. The applicant's claim for grant of disability pension was rejected vide letter dated 15.03.1988 which was communicated to the applicant vide letter dated 26.04.1988. The applicant preferred First Appeal dated 10.08.1988 which was allowed and applicant was granted disability element of disability pension for two years from 20.03.1987 to 23.02.1989 vide PPO dated 19.01.1989. Thereafter, applicant brought before the Re-Survey Medical Board held from time to time and was granted disability element of disability pension upto 22.01.2011. Thereafter, applicant's medical documents were forwarded to Base Hospital, Delhi Cantt for conduct of final Re-Survey Medical Board vide letter dated 19.07.2003 but since the applicant did not report to despite repeated reminders his disability element of disability pension was stopped with effect from 22.01.2011. The applicant preferred representation dated 16.08.2019 for payment of disability element which was replied vide letter dated 28.09.2019. It is in this perspective that the applicant has preferred the present Original Application.

	During the course of hearing Ld. Counsel for the applicant submits that Original Application may be disposed of with direction to the respondents to hold Re-Survey Medical Board (RSMB) to assess the disability of the applicant for deciding entitlement of the disability element of disability pension to which the learned counsel for the Respondents has no objection. Accordingly, we dispose of the Original Application finally with the direction to the respondents to conduct Re-Survey Medical Board (RSMB) of the applicant to assess his disability for deciding entitlement of disability element of disability pension. Respondents are further directed to give effect to the order within four months from the date of receipt of a certified copy of this order. Let copy of this order be provided to the learned Counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 607 of 2022 with M.A. No. 728 of 2022

Ex. Hony. Sub. Anil Yadav 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**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri D.K. Pandey, 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. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents. There is a delay of 02 years, 07 months and 10 days in filing of Original Application. Being a pensionary matter, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 607 of 2022** Matter 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 the matter before Registrar on **21.09.2022** for exchange of pleadings. List the matter before Tribunal on **04.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 608 of 2022

B. Ekta Suman Srinivas W/o Late Wg. Cdr. Bhamidipati Srinivas 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri J.N. Mishra, 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. Heard Shri Manoj Kumar Awasthi, Advcoate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents. Matter 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 the matter before Registrar on **21.09.2022** for exchange of pleadings. List the matter before Tribunal on **04.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. 609 of 2022

Hav. Arun 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**
	<u>04.08.2022</u> **<u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u>** **<u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>** Memo of Appearance filed by Dr. Shailendra Sharma Atal, 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. Heard Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. This Original Application has been filed for issuing direction to the respondents to discharge the applicant from Army Service. It is submitted by the Ld. Counsel for the applicant that applicant's representation regarding his discharge from service prematurely has been wrongly dismissed by the respondents. Case needs adjudication. Admit. Issue notice to the respondents. Dr. Shailendra Sharma Atal, Advocate has accepted notice on behalf of the respondents, therefore, service of notice is waived. 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 the matter before Registrar on **21.09.2022** for exchange of pleadings. List the matter before Tribunal on **04.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 610 of 2022 with M.A. No. 729 of 2022

Ex. L. Nk. Pradip Jung Shahi Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

<table>
<tr><th>Notes of the Registry</th><th>Orders of the Tribunal</th></tr>
<tr><td></td><td>
<u>04.08.2022</u>
<u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u>
<u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>

Memo of Appearance filed by Ms. Appoli Srivastava, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.
Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.
There is a delay of 56 days in filing of Original Application.
Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.
<u>O.A. No. 610 of 2022</u>
Matter 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 the matter before Registrar on 21.09.2022 for exchange of pleadings.
List the matter before Tribunal on 04.11.2022.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
Member (A) Member (J)

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

O.A. No. 611 of 2022 with M.A. No. 736 of 2022

MWO (HFO) Bhawan Nath Giri (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**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri R.K.S. Chauhan, 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. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents. There is a delay of 57 days in filing of Original Application. Being a pensionary matter, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 611 of 2022** Matter 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 the matter before Registrar on **21.09.2022** for exchange of pleadings. List the matter before Tribunal on **04.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 612 of 2022 with M.A. No. 737 of 2022

Ex. Ris. Santosh 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Prerna Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents. There is a delay of 57 days in filing of Original Application. Being a pensionary matter, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 612 of 2022** Matter 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 the matter before Registrar on **21.09.2022** for exchange of pleadings. List the matter before Tribunal on **04.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 614 of 2022 with M.A. No. 738 of 2022

Ex. POA (AH) Ramesh Chander 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Rajiv Pandey, 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. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Rajiv Pandey , Ld. Counsel for the respondents are present. The Original Application has been filed with delay of 10 years, 06 months and 05 days. 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. 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. 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. Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. **O.A. No. 614 of 2022** Matter 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 the matter before Registrar on **21.09.2022** for exchange of pleadings. List the matter before Tribunal on **04.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 245 of 2022 Inre : O.A. No. 317 of 2020

NC (E) Naresh Kumar Safaiwala 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 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. On the case being taken up for hearing Ms. Mamta Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. This application has been filed for implementation of order dated 03.03.2022 of this Tribunal in Original Application No. 317 of 2020. Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction and to file affidavit of compliance. List on **27.09.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 248 of 2022 Inre : O.A. No. 310 of 2021

Ex. Hav. Akhilesh Kumar Ojha 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Devesh Kumar Mishra, 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. On the case being taken up for hearing Shri Shamshad Alam, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents are present. This application has been filed for implementation of order dated 24.11.2021 of this Tribunal in Original Application No. 310 of 2021. Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction and to file affidavit of compliance. List on **27.09.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 250 of 2022 Inre : O.A. No. 398 of 2020

Ex. LSTD Guptesh Kumar 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri D.K. Pandey, 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. On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. This application has been filed for implementation of order dated 15.07.2021 of this Tribunal in Original Application No. 398 of 2020. Ld. Counsel for the respondents submits that in compliance of the order PPO has been issued and arrears have been credited in applicant's account on 19.04.2022. Ld. Counsel for the applicant submits that no interest has been paid on the arrears despite there being direction in this regard in the order. Respondents to seek instruction regarding non-payment of interest on the arrears within two weeks. List on **19.09.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 252 of 2022 Inre : O.A. No. 291 of 2021

Ex. Sep. Raghuvendra 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 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. On the case being taken up for hearing Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. This application has been filed for implementation of order dated 09.11.2021 of this Tribunal in Original Application No. 291 of 2021. The order has not yet been complied with. Let compliance be made and affidavit of compliance be filed within four weeks. List on **17.10.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 741 of 2022 with M.A. No. 742 of 2022 Inre : O.A. No. 291 of 2021

Union of India & Others Applicants
By Legal Practitioner for the Applicants
Versus
Sep. Raghuvendra Singh Respondent
By Legal Practitioner for Respondent

Notes of the Registry	**Orders of the Tribunal**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India & Others and Shri Shyam Sunder Bajpai, Ld. Counsel of the respondent. For the facts averred in affidavit filed in support of delay condoantion application, delay of 57 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off. This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal. Accordingly, Leave to Appeal is **dismissed**. Copy of this order be provided to the Ld. Counsel for the applicants/AFT Legal Cell within two days. **(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

M.A. No. 730 of 2022 with M.A. No. 731 of 2022 Inre : O.A. No. 195 of 2021

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Smt. Laxmi Kandari Respondent
By Legal Practitioner for Respondent

Notes of the Registry	**Orders of the Tribunal**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Amit Jaiswal, Ld. Counsel for the applicants – Union of India & Others. For the facts averred in affidavit filed in support of delay condoantion application, delay of 57 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off. This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 732 of 2022 with M.A. No. 733 of 2022 Inre : O.A. No. 211 of 2018

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Smt. Ajay Verma W/o Late Ex. Sep. Surendra Pal Verma Respondent
By Legal Practitioner for Respondent

Notes of the Registry	**Orders of the Tribunal**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India & Others. For the facts averred in affidavit filed in support of delay condoantion application, delay of 57 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off. This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 734 of 2022 with M.A. No. 735 of 2022 Inre : O.A. No. 650 of 2020

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Ex. Sep. Sachinda Nand Shukla Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Shyam Singh, Ld. Counsel for the applicants – Union of India & Others. For the facts averred in affidavit filed in support of delay condoantion application, delay of 57 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off. This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal. Accordingly, Leave to Appeal is **dismissed**. **(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

M.A. No. 739 of 2022 with M.A. No. 740 of 2022 Inre : O.A. No. 131 of 2021

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Ex.Sub. Maj. Narayan Singh Khadwa Respondent
By Legal Practitioner for Respondent

Notes of the Registry	**Orders of the Tribunal**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vishwesh Kumar, Ld. Counsel for the applicants – Union of India & Others. For the facts averred in affidavit filed in support of delay condoantion application, delay of 57 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off. This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 743 of 2022 with M.A. No. 744 of 2022 Inre : O.A. No. 498 of 2021

Union of India & Others Applicants
By Legal Practitioner for the Applicants
Versus
Ex. Nk. Liyakat Ansari Respondent
By Legal Practitioner for Respondent

Notes of the Registry	**Orders of the Tribunal**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Jai Narayan Mishra, Ld. Counsel for the applicants – Union of India & Others. For the facts averred in affidavit filed in support of delay condoantion application, delay of 57 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off. This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal. Accordingly, Leave to Appeal is **dismissed**. **(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

M.A. No. 745 of 2022 with M.A. No. 746 of 2022 Inre : O.A. No. 505 of 2019

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Exl. L. Nk. Mithlesh Kumar Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Dr. Chet Narayan Singh, Ld. Counsel for the applicants – Union of India & Others. For the facts averred in affidavit filed in support of delay condoantion application, delay of 57 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off. This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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R.A. No. 58 of 2022 with M.A. No. 723 of 2022 Inre : O.A. No. 591 of 2018

Ex. Gnr. Ratan Maity Applicant
By Legal Practitioner for the Applicant

Versus

The Commanding Officer 152 A.D. Regt. & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. **M.A. No. 723 of 2022** Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. For the reasons stated in affidavit filed in support of delay condonation application, delay of 01 year, 04 months and 18 days in filing of Review Application is **condoned**. Delay condonation application stands decided accordingly. **R.A. No. 58 of 2022** Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. 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 the judgement and order dated 18.02.2019 of this Tribunal in Original Application No. 591 of 2018 and to grant disability pension to the applicant with effect from the date of filing of the First Wit Petition in the year 2005. The operative portion of the order reads as under:- "*In view of the above, the O.A. deserves to be allowed, hence, allowed. Though the applicant is entitled to disability pension w.e.f. the date of his discharge but the applicant has approached this Tribunal with a long delay, therefore the arrears of disability pension and benefit of rounding of f to 50% shall be restricted to three years prior to the date of filing of this Original Application. The date of filing of this Original Application is 17.10.2013. The respondents are 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 @9% per annum till actual payment.*"

The order of which review has been sought was passed by the Bench comprising of (Hon'ble Mr. Justice S.V.S. Rathore, Member (J) (since retired) and Hon'ble Air Marshal B.B.P. Sinha, Member (A) (since retired).

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.

For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-

> "*1. Application for review of judgment.- (1) any person considering himself aggrieved-*
>
> > *(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*
> > *(b) by a decree or order from which no appeal is allowed, or*
> > *(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."*

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 ***Parsion Devi and others vs. Sumitri Devi and others***, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

> *"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
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Ex. A. No. 25 of 2019 Inre : O.A. No. 297 of 2011

Ex. Sub. Kedar Prasad Misrha 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel appearing for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel appearing for the respondents. Ld. Counsel for the respondents submits that in Civil Appeal filed against the decision of this Tribunal in Original Application No. 297 of 2011 the Hon'ble Apex Court has been pleased to issue notice to the applicant of this case inviting his Counter Affidavit, which has not been filed as yet. Thus he submits that further time be granted to bring stay order. In reply, Ld. Counsel for the applicant submits that since there is no stay in the Civil Appeal, the Execution Application should be proceeded and order in execution being not implemented suitable order should be passed. Considering that the order to be executed is dated 09.08.2018 and there is no stay in the Civil Appeal preferred against this order and no cogent reason has been assigned for non-implementation of the order nor the stay order has been brought, we feel it proper to direct the officer responsible for implementation of the order to remain physically present in Tribunal on the next date fixed to explain why coercive measure be not taken against him for non-compliance of the order. We are told that Director, Army Postal Services is the officer responsible for implementation of the order. Registry is directed to issue notice to him to remain physically present in Tribunal on the next date fixed to explain why coercive measure be not taken against him for non-compliance of the order. Cost deposited in the Tribunal be paid to the applicant. List on **14.10.2022**. Copy of this order be provided to the Ld. Counsel for the respondents/ AFT Legal Cell within two days for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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Ex. A. No. 81 of 2019 Inre : O.A. No. 236 of 2018

Ex. Hav. (Hony. Nb. Sub.) Phool Chand 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Yashpal Singh, Ld. Counsel appearing for the applicant, Shri Ashish Kumar Singh, Ld. Counsel appearing for the respondent Nos. 1 to 4 and Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj. On the last date i.e. 18.05.2022 registry was directed to issue Bailable Warrant to respondent No. 4 i.e. Branch Manager, Bank of Baroda, Gandhi Chowk, Jhunjhunu, Rajasthan. As per notes of the registry dated 01.08.2022, Bailable Warrant was issued to respondent No. 4 which was not received unserved/undelivered. Registry is directed to obtain service report and bring it on record within three weeks. List on **23.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 93 of 2019 Inre : O.A. No. 481 of 2018

Dushyant 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Santosh Singh, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file affidavit of compliance. List on **26.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
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Ex. A. No. 3 of 2022 Inre : Ex. A. No. 234 of 2018 Inre : O.A. No. 248 of 2015

Smt. Malti Devi W/o (Late) Hav. Deo Lakhan Prasad Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Vakalatnama filed by Shri Yogesh Chandra Bhatt, Advocate on behalf of respondent Nos. 6 and 7 is taken on record. His name be shown as Counsel for the respondent Nos. 6 and 7 when the case is listed next. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant, Shri Amit Jaiswal, Ld. Counsel for the respondent Nos. 1 to 5 and Shri Yogesh Chandra Bhatt, Ld. Counsel for the respondent Nos. 6 and 7 are present. Affidavit of compliance filed by the respondent Nos. 6 and 7 is taken on record. Ld. Counsel for the applicant intends to file objection. Let it be filed within two weeks. List on **27.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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Ex. A. No. 77 of 2022 Inre : O.A. No. 777 of 2020

Ex. Rfn. Prem bahadur Chhetri 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submits that Government Sanction is still awaited. Let affidavit of compliance be filed within four weeks positively failing which respondents will be liable to pay Rs.5,000/- as cost to the AFT Bar Association. List on **22.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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{See rule 11(1)}
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Ex. A. No. 79 of 2022 Inre : Ex. A. No. 84 of 2019, Ex. A. No. 181 of 2017
Inre : O.A. No. 174 of 2016

Smt. Nisha Devi W/o Late Ex. Sep. Kalash Kumar 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj. Ld. Counsel for the applicant submits that although in compliance of the order a PPO has been issued, but nothing has been credited in applicant's account due to wrong mentioning of the account number in the PPO. In reply, Ld. Counsel for the respondents submits that correct account has been mentioned in the PPO. Applicant to file copy of her updated pass-book within two weeks. List on **22.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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Ex. A. No. 119 of 2022 Inre : O.A. No. 622 of 2020

Smt. Dulari Devi Mother of (Late) Gnr. Virendra 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashish Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 5 and Shri Sakesh Srivastava, Ld. Counsel for the respondent Nos. 6 and 7 are present. Ld. Counsel for the respondent Nos. 6 and 7 states that affidavit of compliance is ready and will be filed in the registry during the course of the day. List on **11.08.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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Ex. A. No. 137 of 2022 Inre : O.A. No. 643 of 2020

Ex. Sep. Markandey Singh Yadav 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj. Ld. Counsel for the respondents states that in compliance of the order PPO has been issued. Affidavit of compliance annexing therewith copy of PPO be filed within two weeks. List on **20.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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M.A. No. 606 of 2022 Inre : Ex. A. No. 01 of 2022 Inre : O.A. No. 120 of 2021

Ex. JWO Bharat Prasad Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj. Shri V.P. Pandey, Ld. Counsel appearing on behalf of the applicant states that Execution Application may be dismissed being infructuous as arrears have been credited in applicant's account. Accordingly, Execution Application is **dismissed** being infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 797 of 2021

Ex. Hony Nb Sub Ramesh Singh Chauhan 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh and Shri Avdhesh Shukla, Ld. Counsel for the respondents are present. No Rejoinder Affidavit has been filed. List on **29.09.2022** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 50 of 2022

Ex. WO Vijai Pratap Narain Mishra 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing 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 are present. On the request of Ld. Counsel for the applicant, the case is adjourned. List on **21.09.2022**. **(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

O.A. No. 194 of 2022 with M.A. No. 682 of 2022 and M.A. No. 683 of 2022

Hony Nb Sub Shiv Mohan Tiwari 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 682 of 2022** Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant, Shri Anurag Mishra, Ld. Counsel for the respondent Nos. 1 to 4 and Shri Yogesh Chandra Bhatt, Ld. Counsel for the respondent Nos. 5 and 6. For the reasons stated in affidavit filed in support of application, delay in filing of recall application is **condoned.** Delay condonation application stands disposed off. **M.A. No. 683 of 2022** Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant, Shri Anurag Mishra, Ld. Counsel for the respondent Nos. 1 to 4 and Shri Yogesh Chandra Bhatt, Ld. Counsel for the respondent Nos. 5 and 6. Respondent Nos. 5 and 6 have made this application seeking recall of order dated 09.05.2022 by which Original Application has been proceeded exparte against them. In view of facts stated in affidavit filed in support of application, recall application is **allowed**. Order dated 09.05.2022 directing the Original Application to proceed exparte against respondent Nos. 5 and 6 is recalled. Respondent Nos. 5 and 6 may file Counter Affidavit/Reply to the Original Application by the next date fixed i.e. 19.10.2022. Application stands disposed off accordingly. **O.A. No. 194 of 2022** List on the date fixed i.e. **19.10.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
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O.A. No. 220 of 2022

Ex. Nk Laujhar Ram 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, two weeks further time is granted to file Counter Affidavit. List on **22.09.2022**. **(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

O.A.(A) No. 667 of 2020

Smt. Firoz Bano Wife of Mohd Yunus khan (Deceased) 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submits that original documents are not available today. Let it be produced for perusal of the Bench on the next date fixed. List on **02.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

T.A. No. 6 of 2013

Zamir Ahmad 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the applicant, the case is adjourned. List on **21.09.2022**. **(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

O.A. No. 459 of 2020

Sub Raeesul Hasan (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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents submits that original documents are not available today. Let it be produced for perusal of the Bench on the next date fixed. List on **21.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 570 of 2022

Ex. Hony. Nb. Sub. Sanjay Pandit 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. An affidavit containing details of particulars has been filed by the applicant which is taken on record. This Original Application has been filed for the grant of disability element of disability pension to the applicant. The submission of the Ld. Counsel for the applicant is that applicant's claim for the grant of disability element of disability pension has been wrongly denied by the respondents. Case needs adjudication. Admit. Issue notice to the respondents. Ms. Appoli Srivastava, Advocate has accepted notice on behalf of the respondents, therefore service of notice is waived. Respondents to file Counter Affidavit within four weeks. Thereafter, applicant will have to weeks time to file Rejoinder Affidavit. List the matter before Registrar on **21.09.2022** for exchange of pleadings. List the matter before Tribunal on **04.11.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 313 of 2022

Ex. Hav. Surander Kumar 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Pushpendra Kumar Dhaka and Shri Ramakant Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Court No.1

T.A. No. 24 of 2012

Ex. Gnr. Yogendra Singh Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	**Orders of the Tribunal**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Order pronounced today in the open Court. T.A. No. 24 of 2012, Ex. Gnr. Yogendra Singh vs. Union of India and Others 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. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

M.A. No. 667 of 2022 Inew O.A. No. 77 of 2022

Ex Nk Chandra Mohan 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents. Shri Sudhir Kumar Singh, learned counsel for the applicant stated that application may be dismissed as not pressed. Accordingly, application is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** SB

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

O.A. No. 590 of 2017 with M.A. No. 1868 of 2018

Sign Ldr DH Prasad (Retd) & Others 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents. Arguments concluded. Judgment reserved. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** SB

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

O.A. No. 599 of 2017

Maj. Rajendra Singh & 23 Others 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**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri V.K. Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, AO, PCDA (P) Prayagraj. Arguments concluded. Judgment reserved. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** SB

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

O.A. No. 378 of 2021

Hav. Pranav Kumar 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.P. Datta, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Learned counsel for the respondents prays for and is granted three weeks further time to file supplementary counter affidavit to the amended portion. List on **23.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 797 of 2021

Ex. Hony Nb Sub Ramesh Singh Chauhan 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh and Shri Avdhesh Shukla, Ld. Counsel for the respondents are present. List on **29.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 3 of 2022

Ex. Nb Sub Ramesh Kumar 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Jai Narayan Mishra, Ld. Counsel for the respondents is present. No rejoinder affidavit has been filed. On the request of Shri Virat Anand Singh, learned counsel for the applicant, the case is adjourned. List on **01.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** SB

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

O.A. No. 50 of 2022

Ex. WO Vijai Pratap Narain Mishra 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**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Amit Jaiswal, Ld. Counsel for the respondents is present. On the request of Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, the case is adjourned. List on **21.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 194 of 2022

Hony Nb Sub Shiv Mohan Tiwari 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. List on **19.10.2022**. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** SB

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

O.A. No. 220 of 2022

Ex. Nk Laujhar Ram 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present. List on **22.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 221 of 2022

Ex. Nk (TS) Krishna Bahadur Chhetri 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that counter affidavit will be filed in the registry within ten days. List on **19.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 333 of 2022

Col. Amitabh Kumar 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**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Tanay Hazari and Shri Jharna Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents No. 1 to 4 and Shri Rohit Kumar, learned counsel for the respondents 5 & 6 are present. Reply to interim relief filed by respondents No. 1 to 4 is taken on record. Learned counsel for the respondents No. 5 & 6 prays for two weeks time to file reply. List on **09.09.2022** for hearing on interim relief. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 455 of 2022

Ex. Sub Maj (Hony Capt) Ram Krishna 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**
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Manoj Kumar Srivastava, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents two weeks further time is granted to seek instruction. List on **12.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

T.A. No. 92 of 2016

Alopi Shanker Bajpaee Petitioner
By Legal Practitioner for the Petitioner
Versus
The Commandant Rajput Regimental Centre,
Fatehgarh & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents are present. Original documents are not available. List on **19.09.2022** for hearing on which date respondents shall produce original documents relating to ACR of the applicant in Tribunal for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

Ex.A No. 51 of 2021 Inre O.A. No. 731 of 2020
Alongwith
O.A. No. 731 of 2020 with M.A. 117 of 2021,M.A. No. 443 of 2020 Alongwith Ex. No. 51 of 2021 Inre O.A. No. 731 of 2020

Maj. Vinay Sharma 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. Learned counsel for the applicant prays for and is granted three weeks time to prepare the case. List on **18.10.2022** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 731 of 2020 with M.A. 117 of 2021,M.A. No. 443 of 2020
Alongwith
Ex. No. 51 of 2021 Inre O.A. No. 731 of 2020
Alongwith Ex.A No. 51 of 2021 Inre O.A. No. 731 of 2020

Maj. Vinay Sharma 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing no one is present on behalf of the applicant. Shri Namit Sharma, Ld. Counsel for the respondents is present. List on **18.10.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 141 of 2012

Smt. Rekha Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<u>04.08.2022</u> **<u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u>** **<u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u>** Heard Shri Nishant Verma, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. Learned counsel for the respondents submits that respondents alongwith counter affidavit only copy of Court of Inquiry has been filed, copy of Summary of Evidence has not been filed. He further submits that if Tribunal orders, copy of Summary of Evidence may be filed. Respondents to file Summary of Evidence on affidavit within three weeks from today after serving its copy to learned counsel for the applicant. List on **12.10.2022** for hearing on which date respondents shall produce original documents of Court of Inquiry and Summary of Evidence concerning to the applicant in Tribunal for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 154 of 2021

Ex. Hav. Rajeev Kumar Sengar 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant is present. We are informed that Dr. S.N. Pandey, Ld. Counsel for the respondents is not well, therefore, hearing is adjourned. List on **21.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 167 of 2021

Smt. Prem Bati, W/o Late Ex. Nb Sub Ram Sarup Prasad Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Amit Jaiswal and Md. Zafar Khan, Ld. Counsel for the respondents are present. As prayed by Shri Shiv Kant Pandey, Ms. Nisha Pandey and Shri Amit Pandey, Ld. Counsel for the applicant, the case is adjourned. List on **01.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** SB

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

O.A.(A) No. 667 of 2020

Smt. Firoz Bano Wife of Mohd Yunus Khan (Deceased) 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. List on **02.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

Court No.1

T.A. No. 6 of 2013

Zamir Ahmad 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan and Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. List on **21.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 348 of 2019

Ex. Cadet Rajeev R U 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Amit Jaiswal, Ld. Counsel for the respondents is present. As requested by Shri SSL Srivastava, Ld. Counsel for the applicant, hearing of the case is adjourned today. List on **27.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 374 of 2019

Sgt. Sawan Kumar Applicant
By Legal Practitioner for the Applicant
Versus
Chief of Air Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, appeared on behalf of the applicant and filed Vakalatnama which is taken on record. Shir Amit Jaiswal, learned counsel for the respondents is present. Learned counsel for the applicant prays for and is granted three weeks time to file rejoinder affidavit. List on **29.09.2022** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 459 of 2020

Sub Raeesul Hasan (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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. List on **21.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

Ex.A. No. 16 of 2022 Inre O.A. No. 174 of 2015

Ex Nk Jageshwar Singh Applicant
By Legal Practitioner for the Applicant
Versus
Officer In Charge The Records Signals & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Compliance affidavit filed by the respondents No. 1 to 3 is taken on record. Shri Rajeev Tiwari, AO, PCDA (P) Prayagraj who is present in court submits that calculation sheet filed by the applicant alongwith Execution Application seems to be incorrect. He further submits that calculation sheet which respondents No. 1 to 3 have filed alongwith affidavit of compliance also seems to be incorrect. No calculation sheet has been filed by the PDA, i.e. respondents No. 4 & 5 who are represented by Shri D.C. Lohumi, Advocate. Shri D.C. Lohumi is not present today during the course of hearing. He is directed to file affidavit of compliance annexing therewith calculation sheet within three weeks. List on **19.09.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. (A) No. 205 of 2021

Sep Pawan Chandra Bhatt through mother Smt. Kamta Devi 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard arguments of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. List on **12.10.2022** for further hearing as part heard case. **(Vice Admiral Abhay Raghunath Karve)** **Member (A)** **(Justice Umesh Chandra Srivastava)** **Member (J)** SB

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

O.A. No. 437 of 2022 with M.A. No. 492 of 2022

Ex Nk Shyam Bahadur 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
	04.08.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Anurag Singh, Ld. Counsel for the applicant and Mrs Deepti Prasad Bajpai, Ld. Counsel for the respondents. Objection on application for condonation of delay is taken on record. The applicant has filed this application under Section 14 of the Armed Forces Tribunal Act, 2007 to quash dismissal order dated 14.02.1998 and to reinstate him in service with all consequential benefits. There is delay of about 21 years, 09 months and 23 days in filing Original Application. Submission of learned counsel for the applicant is that applicant was enrolled in Indian Army on 16.01.1980 and he was dismissed from service on 14.02.1998 being absent without leave and his rank was reduced. Applicant submitted representation dated 28.03.2020 and 25.06.2020 to set aside dismissal order and reinstate him in service but dismissal order was not set aside.

He further submitted that after Summary Court Martial applicant returned to home and became ill thereby confined to bed. Applicant wrote several letters for providing copy of charge sheet, dismissal certificate, copy of court martial proceedings and all other relevant documents but nothing was provided to him. In the year 2020, the whole country was suffering from Covid-19 for two years. Delay and latches have no meaning in such types of cases. The applicant cannot be deprived from reinstatement in service on the ground of delay and latches.

He further submitted that delay in filing Original Application is not deliberate and intentional. His submission is that applicant was in financial hardship, hence he could not approach the Tribunal in time. Thus, his submission is that delay is not deliberate, but for the reasons stated above. He prayed that delay in filing Original Application be condoned and applicant be reinstated in service.

Learned counsel for the respondents has vehemently opposed the prayer saying there being an inordinate delay of more than 23 years and the same being not properly and satisfactorily explained on day to day basis with sufficient cause, delay is not liable to be condoned. Applicant has filed instant Original Application for reinstatement in service after about 23 years of his dismissal. Hon'ble Courts in a catena of judgments have time and again held that the courts are not for the people who are not vigilant and sleep over their rights and courts should be strict while dealing with the cases of litigants who approach the Courts merely for chance or fun. He further submitted that such a long delay is not condonable without proper reason.

Having heard the submissions of learned counsel of both sides and perused the documents available on record.

Now the point for determination is as to whether the applicant has been able to show any sufficient cause for condonation of such inordinate delay?

Armed Forces Tribunals were established in the year 2007, even then the applicant did not approach the Tribunal. He moved the representation for the first time for reinstatement in service in the year 2020, after about 23 years from the date of dismissal.

Learned counsel for the applicant has tried to justify the aforesaid delay on compelling reason of paucity of funds. He has, however, failed to explain the delay of 24 years in moving the application. The cause of action in the instant case started from the date of dismissal from service. He moved a belated application for redressal of his grievance.

Section 22 of the Armed Forces Tribunal Act 2007 deals with the limitation, which reads as under:-

22 Limitation. *—*

(1) The Tribunal shall not admit an application—

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 21 has been made unless the application is made within six months from the date on which such final order has been made;

(b) in a case where a petition or a representation such as is mentioned in clause (b) of sub-section (2) of section 21 has been made and the period of six months has expired thereafter without such final order having been made;

(c) in a case where the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which jurisdiction, powers and authority of the Tribunal became exercisable

under this Act, in respect of the matter to which such order relates and no proceedings for the redressal of such grievance had been commenced before the said date before the High Court.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may admit an application after the period of six months referred to in clause (a) or clause (b) of sub-section (1), as the case may be, or prior to the period of three years specified in clause (c), if the Tribunal is satisfied that the applicant had sufficient cause for not making the application within such period.

We would like to deal with the issue of limitation raised in the instant case in the light of proposition of law as laid down by the Hon'ble Apex Court in catena of decisions. In the case of *D. Gopinathan Pillai versus State of Kerala and another*, reported in *(2007) 2 SCC 322,* the Hon'ble Apex Court has observed as under:

> *"5. We are unable to countenance the finding rendered by the Sub-Judge and also the view taken by the High Court. There is no dispute in regard to the delay of 3320 days in filing the petition for setting aside the award. When a mandatory provision is not complied with and when the delay is not properly, satisfactorily and convincingly explained, the court cannot condone the delay, only on the sympathetic ground. The orders passed by the learned Sub-Judge and also by the High Court are far from satisfactory. No reason whatsoever has been given to condone the inordinate delay of 3320 days. It is well-considered principle of law that the delay cannot be condoned without assigning any reasonable, satisfactory, sufficient and proper reason. Both the courts have miserably failed to comply and follow the principle laid down by this Court in a catena of cases. We, therefore, have no other option except to set aside the order passed by the Sub-Judge and as affirmed by the High Court. We accordingly set aside both the orders and allow this appeal."*

There is absolutely no explanation on record as to why the applicant did not approach the competent Army authorities for redressal of his grievance within the prescribed period of limitation. In view of the settled proposition of law, as laid down by the Hon'ble Apex Court in ***Mewa Ram (Deceased by L.Rs) & Ors v. State of Haryana***, ***AIR 1987 SC 45***, ***State of Nagaland v. Lipok AO & Ors***,

AIR 2005 SC 2191* and *D. Gopinathan Pillai v. State of Kerala & Anr*, *AIR 2007 SC 2624*,** the applicant was under obligation to give cogent and valid reasons for the delay. Time and again it has been held by the Hon'ble Apex Court that if the law provides for a limitation, it is to be enforced even at the risk of hardship to a particular party, as the Judge cannot, on applicable grounds, enlarge the time allowed by law, postpone its operation or introduce exceptions not recognised by law. The law of limitation has to be applied with all its rigour. The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play. We are, therefore, not inclined to accept such a plea as raised by the applicant, which is wholly unjustified and cannot furnish any ground for ignoring delay and latches. **(Vide *General Fire and Life Assurance Corporation Ltd v. Janmahomed Abdul Rahim*, *AIR 1941 PC 6, P.K. Ramachandran v. State of Keral & Anr*, *AIR 1998 SC 2276*, *Esha Bhattacharjee v. Raghunathpur Nafar Academy & Ors*, *(2013) 12 SCC 649, Basawaraj v. Land Acquisition Officer*, *(2013) 14 SCC 81, State of Karnataka & Ors v. S.M. Kotrayyqa & Ors (1996) 6 SCC 267*, *Jagdish Lal & Ors v. State of Haryana and Ors*, *AIR 1997 SC 2366* and *M/s Rup Diamonds & Ors v. Union of India and Ors*, *AIR 1989 SC 674.

Thus, a plain reading of the aforesaid judgments show that the court before condoning the delay, must be satisfied that the applicant has sufficient cause for not making the application within such period. Admittedly, in this case applicant was dismissed from service in the year 1998 and thereafter, he remained silent and for the first time in the year 2020 applicant approached the respondents for reinstatement in service. This delay of 23 years in filing instant Original Application could not be explained by the applicant. Such a long period cannot be treated to be a reasonable period. If the period of limitation is taken from the date of filing of application, then it would simply make Section 22 of the AFT Act, 2007 meaningless because in that circumstances, any administrative Act of the Armed Forces shall not attain finality. The purpose of provision of limitation is to give finality to the orders passed by the authority. Until and unless the applicant satisfies the Tribunal that he was not in a position to come before the Tribunal within time due to certain unavoidable circumstances, such huge delay cannot be condoned. In the instant case, the applicant has utterly failed to satisfy us on this point.

We have noticed that applicant did not challenged his case for reinstatement in service before the competent authority or before the court of law by way of appeal/writ for a considerable long period of more than 23 years. If the applicant would have represented his case for reinstatement in service, court of law would have resorted his grievance. There being an inordinate delay of more than 23 years in approaching the Tribunal and the same being not properly explained, we do not find any sufficient reason to condone the same. Case law relied upon by the applicant is based on different fact and circumstances.

After carefully examining the entire record and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay in filing Original Application is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.

In view of the discussions held above, the application for condonation of delay has no merit. It deserves to be dismissed and is hereby **dismissed**.

Consequently the O.A. is also **dismissed** being time barred.

(Vice Admiral Abhay Raghunath Karve) **(Justice Umesh Chandra Srivastava)**
Member (A) **Member (J)**

UKT/-