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

O.A. No. 325 of 2022 with M.A. No. 378 of 2022

Ex. Sub. (Hony. Lt.) Jahir Khan Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Pushpendra Mishra, Advocate on behalf of the respondents is taken on record. Heard Shri Satendra Kumar Singh and Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents. In view of order dated 10.01.2022 of the Hon'ble Apex Court in Miscellaneous Application No. 21/2022 in MA 665/2021 in Suo Motu Writ Petition (C) No.3/2020, there is no delay in filing of Original Application, however, an application for condonation of delay has been moved which being not required is **dismissed**. Matter pertains to grant of disability pension. It is a fit case for 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 **05.07.2022** for exchange of pleadings. List the matter before Tribunal on **28.07.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 326 of 2022 with M.A. No. 379 of 2022

Ex. Ris. Satendra 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
	05.05.2022 **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. Heard Shri Satendra Kumar Singh and Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents. In view of order dated 10.01.2022 of the Hon'ble Apex Court in Miscellaneous Application No. 21/2022 in MA 665/2021 in Suo Motu Writ Petition (C) No.3/2020, there is no delay in filing of Original Application, however, an application for condonation of delay has been moved which being not required is **dismissed**. It is a fit case for 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 **05.07.2022** for exchange of pleadings. List the matter before Tribunal on **28.07.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 327 of 2022 with M.A. No. 382 of 2022

Ex. Nk. Ashok Kumar Badola 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record. Heard Dr. Amit Asthana, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents. The Original Application has been filed for grant of disability pension with delay of 21 years, 08 months and 12 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. 327 of 2022** It is a fit case for 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 **05.07.2022** for exchange of pleadings. List the matter before Tribunal on **28.07.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 328 of 2022 with M.A. No. 383 of 2022

Ex. Hav. Chaman Prakash Singh Negi 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Arvind Kumar Pandey, Advocate on behalf of the respondents is taken on record. Heard Dr. Amit Asthana, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents. The Original Application has been filed for grant of disability pension with delay of 03 months and 17 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. 328 of 2022** It is a fit case for 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 **05.07.2022** for exchange of pleadings. List the matter before Tribunal on **28.07.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 329 of 2022

Ex. WO Satyendra Pratap 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Somesh Singh, Advocate on behalf of the respondents is taken on record. Heard Shri Santosh Singh, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents. Matter pertains to grant of disability pension. It is a fit case for 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 **05.07.2022** for exchange of pleadings. List the matter before Tribunal on **28.07.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 330 of 2022

Ex. Sep. Sanoj S. 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Deepti Prasad Bajpai, Advocate on behalf of the respondents is taken on record. Heard Shri Ved Prakash Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents. Matter pertains to grant of disability pension. It is a fit case for 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 **05.07.2022** for exchange of pleadings. List the matter before Tribunal on **28.07.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 331 of 2022

MWO Ramesh Chandra (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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Arvind Kumar Pandey, Advocate on behalf of the respondents is taken on record. Heard Shri Raj Kumar Mishra and Shri A.K. Chaudhary, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents. Matter pertains to grant of disability pension. It is a fit case for 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 **05.07.2022** for exchange of pleadings. List the matter before Tribunal on **28.07.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 332 of 2022 with M.A. No. 386 of 2022

Ex. Sep. Yogendra Pratap 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
	05.05.2022 **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. Heard Shri Ved Prakash Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. The Original Application has been filed with delay of 01 year, 08 months and 08 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. 332 of 2022** It is a fit case for 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 **05.07.2022** for exchange of pleadings. List the matter before Tribunal on **28.07.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 130 of 2022 Inre : O.A. No. 416 of 2020

Ex. Lance Nk. Ram Kumar 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
	05.05.2022 **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 Anurag Mishra, Advocate appears on behalf of the respondents and submits that he will file Memo of Appearance in registry during the course of the day. Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. It is a fresh Execution Application. Ld. Counsel for the respondents seeks and is allowed four weeks time to file affidavit of compliance. List on **14.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 381 of 2022 Inre : T.A. No. 01 of 2021 Inre : O.A. No. 489 of 2020

Nb. Sub. Sanal Kumar G. 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 381 of 2022** Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Applicant has made this application seeking correction in order dated 24.03.2022 in T.A. No. 01 of 2021 Inre : O.A. No. 489 of 2020. During the course of hearing, Ld. Counsel for the applicant submitted that application may be dismissed as withdrawn as the applicant does not want to press the application. Accordingly, correction application is **dismissed** as withdrawn. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 384 of 2022 with M.A. No. 385 of 2022 Inre : O.A. No. 149 of 2020

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

Versus

Hav. (MP) Akhila Nand Mishra Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Arun Kumar Sahu, Ld. Counsel for the applicants – Union of India & Others. In view of order dated 10.01.2022 of the Hon'ble Apex Court in Miscellaneous Application No. 21/2022 in MA 665/2021 in Suo Motu Writ Petition (C) No.3/2020, there is no delay in filing of Leave to Appeal, however, an application for condonation of delay has been moved which being not required is **dismissed**. 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/SB/-

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

Ex. A. No. 18 of 2018 Inre : T.A. No. 133 of 2010

Yogendra Singh Tomar Applicant
By Legal Practitioner for the Applicant

Versus

Govt. of India through Secretary Defence, Sena Bhawan & Another Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.05.2022 **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 along with Major Sini Thomas, Departmental Representative for the respondents. An affidavit of compliance has been filed by the respondents today in the Court, which is taken on record. It is submitted by the Ld. Counsel for the respondents that in compliance of the order passed by this Tribunal in Original Application the PPO has been generated on 04.05.2022 including interest part. He further submits that there are some difficulties in making payment of Rs.2 lacs plus Rs.50,000/- as directed by this Tribunal in the Original Application. The order in Original Application needs to be modified directing the respondents to make this payment to the applicant rather than to the registry of the Tribunal. If allowed then the same will be processed by way of a Corrigendum PPO as Government Sanction has already been granted. He further submits that Corrigendum PPO will be issued within 24 hours. Considering the submission made by the Ld. Counsel for the respondents, respondents are directed to issue Corrigendum PPO granting payment of Rs.2,50,000/- to the applicant within three days. List on **24.05.2022** along with Review Application No. 44 of 2022. Let a copy of this order be given to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Review Application No. 44 of 2022 Inre : Ex. A. No. 18 of 2018
Inre : T.A. No. 133 of 2010

Govt. of India through Secretary Defence, Sena Bhawan & Another Applicants
By Legal Practitioner for the Applicants

Versus

Yogendra Singh Tomar Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** This application has been filed by the applicants – Government of India & Another to review the order dated 21.03.2022 in Execution Application No. 18 of 2018 Inre : T.A. No. 133 of 2010. A copy of this Review Application has been served to the Ld. Counsel for the respondent (applicant in Original Application). List the Review Application on **24.05.2022** along with Execution Application No. 18 of 2018. Let a copy of this order be given to the Ld. Counsel for the applicants/AFT Legal Cell. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 95 of 2018 Inre : O.A. NO. 143 of 2015

Shaikh Ibrahim Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. An affidavit of compliance dated 29.03.2002 has been filed by the respondents, which is taken on record. Ld. Counsel for the respondents submits that in compliance of the order Rs.3,73,488/- (Rs.2,58,733/- towards 50% of Pay and Allowances and Rs.1,14,755/- towards Leave Encashment) have been paid to the applicant. He further submits that he has received a letter dated 30.04.2022 of the Army Medical Corps (AMC) Records. Let that letter be brought on record by way of affidavit after giving its copy to the Ld. Counsel for the applicant, who may file objection, if any, within a week. List on **27.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 19 of 2019 Inre : T.A. No. 34 of 2010

Ex. Sep. Vinay 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
	05.05.2022 **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 Sachindra Pratap Singh and Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. Reply to Supplementary Affidavit filed by the respondents is taken on record. Ld. Counsel for the applicant prays for and is granted a week time to file reply of the reply. List on **23.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E-Court)
Ex. A. No. 14 of 2021 Inre : O.A. No. 263 of 2020

Ex. Nk. Saurabh 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents assisted by Major Sini Thomas, Departmental Representative for the respondents. In regard to this Tribunal's order dated 21.03.2022 an affidavit has been filed by Lt. Col. S.N. Shukla of Central Command, Lucknow stating therein that Government Sanction has been accorded on 11.04.2022 and the matter has been processed for the generation of the PPO which may take six weeks. Vide order dated 21.03.2022 this Tribunal has directed Col. Rajat Mohan, Director – 4, PS Directorate, IHQ of MoD (Army), New Delhi, the officer responsible for implementation of the order, to remain physical present before the Tribunal on the next date fixed i.e. 05.05.2022 to explain why coercive measures be not taken against him for non-compliance of the order. Despite the same, he is not present nor filed his personal affidavit why coercive measure be not taken against him rather an application has been made on his behalf for exemption of his personal appearance for today on the premise that Government Sanction has been accorded. It is submitted by Major Sini Thomas, Departmental Representative for the respondents that since Government Sanction has been accorded in the matter physical presence of Col. Rajat Mohan, Director – 4, PS Directorate, IHQ of MoD (Army), New Delhi be dispensed with. Considering that Government Sanction has been accorded and time is required for generation of PPO we deem it proper to grant four weeks further time to for generation of PPO and to file affidavit of compliance. Accordingly, four weeks further time is granted to file affidavit of compliance annexing therewith copy of PPO and till then personal appearance of Col. Rajat Mohan, Director – 4, PS Directorate, IHQ of MoD (Army), New Delhi is dispensed with. Respondents are further directed to deposit the entire cost due against them by the next date fixed. List on **14.07.2022**. Let copy of this order be given to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 46 of 2021 Inre : O.A. No. 264 of 2019

Ex. Nk. Raghuraj 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that implementation of the order is still in the process, therefore, four weeks further time be granted to file affidavit of compliance which was vehemently opposed by the Ld. Counsel for the applicant. Considering that order under execution is in the process of implementation, respondents are granted four weeks further time to get it implemented without fail else they shall be liable to pay further cost. List on **08.07.2022**. Let copy of this order be given to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 65 of 2021 Inre : O.A. No. 497 of 2017

Smt. Satbiri Wife of Late ex. Sep. Ajaipal 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. It is submitted by the Ld. Counsel for the respondents that matter has been processed for implementation of the order after dismissal of Leave to Appeal. The Leave to Appeal has been dismissed on 08.04.2022. Considering the request, four weeks further time is granted to respondents to file affidavit of compliance. They are further directed to despit the entire cost due against them by the next date fixed. List on **13.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 72 of 2021 Inre : O.A. No. 15 of 2018

Smt. Savita Singh W/o Late Shailendra Singh Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	05.05.2022 **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 Satendra Kumar Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. Shri R.C. Shukla, Ld. Counsel appearing on behalf of respondents submits that in compliance of the order under execution PPO has been generated. He seeks and is allowed two weeks time to file affidavit of compliance. List on **04.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 41 of 2022 Inre : O.A. No. 258 of 2018

Ex. Gnr. Ashish Kumar 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents. It was submitted during the course of hearing that despite PPO has been issued in the matter no payment in regard to service element has been received by the applicant. Mohd. Zafar Khan, Advocate is present during the couse of hearing and submitted that though he has not been allotted this case, however, he will seek instruction from the State Bank of India regarding compliance of the order. Let instruction be sought within three weeks. List on **26.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 42 of 2022 Inre : O.A. No. 515 of 2019

Ex. Rect. Vishal 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. It is submitted by the Ld. Counsel for the applicant that despite there being direction of this Tribunal to hold RSMB, the same has not been held. He further submits that in regard to fresh Medical Board the applicant remained admitted in Base Hospital, Lucknow where only one X-Ray was done, but he was not subjected to any Medical Board. Rather he was examined by two Doctors of the Hospital. They allegedly informed their subordinates to prepare the current medical documents similar to the earlier medical board proceedings on the basis of which the applicant had been boarded out of service. In reply, Ld. Counsel appearing on behalf of the respondents, on the basis of instruction received, submits that fresh medical board could not be held due to non-signing of necessary documents in this regard. No reply to the Execution Application wherein serious allegations have been made against Doctors, has been filed by the applicant. Respondents are, therefore, directed to file reply to the Execution Application annexing therewith and opinion of Head of Department of Orthopaedics along with RSMB proceedings. Let reply be filed within two weeks from today. List on **06.07.2022**. Let copy of this order be given to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 44 of 2022 Inre : O.A. No. 387 of 2019

Ex. Hav. (DS) Ram Prakash Shukla 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
	05.05.2022 **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 Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. It is submitted by Shri Anurag Mishra, Ld. Counsel appearing on behalf of respondents that order under execution has been complied with. However, no affidavit of compliance has been filed. Let affidavit of compliance annexing therewith copy of PPO be filed within two weeks. List on **06.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

Ex. A. No. 50 of 2022 Inre : O.A. No. 386 of 2019

Ex. Sigmn. Raghu Bir Singh Negi 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
	05.05.2022 **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 Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present. List on **06.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 277 of 2020

Hav. (Pharm) Pavitra Mohan Dhal 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
	05.05.2022 **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 Namit Sharma, Ld. Counsel for the respondents is present. Col. B.P. Singh (Retd.), Ld. Counsel for the applicant is reported to be ill. List on **27.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 09 of 2021

Vipin 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
	05.05.2022 **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 Dharmendra Awasthi, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present. List on **18.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 561 of 2021

Ex. Sgt. Jitendra 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents and Rejoinder Affidavit filed by the applicant are taken on record. Heard Shri Raj Kumar Mishra, Shri Gopal Dwivedi and Dr. Abhay Kant Upadhyay, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, 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/SB/-

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

O.A. No. 650 of 2021

Ex. L/Nk. Lalan 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
	05.05.2022 **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 Adesh Kumar Gupta, 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/SB/-

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

O.A. No. 655 of 2021

Ex. Sep. Kalicharan Thakur 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
	05.05.2022 **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 Gyan Singh Chauhan and Shri K.B. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Counter Affidavit filed by the respondents is taken on record. Matter needs physical hearing. List on **28.07.2022** for physical hearing. Respondents are directed to produce the original documents pertaining to the case on the next date fixed for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 681 of 2021

Ex. Sep. Ram Gopal 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
	05.05.2022 **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 and Shri Rashtrapati Khare, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present. Counter affidavit filed by the respondents is taken on record. Ld. Counsel for the applicant prays for and is granted two weeks time to file Rejoinder Affidavit. List on **12.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 747 of 2021

Ex. MWO Krishna Kumar Tripathi Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.05.2022 **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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, 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/SB/-

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

O.A. No. 757 of 2021

Smt. Munni Mishra W/o Ex. Gdsm. V.N. 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
	05.05.2022 **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 and Shri Girish Tiwari, Ld. Counsel for the applicant and Major Sini Thomas, Departmental Representative for the respondents are present. Major Sini Thomas, Departmental Representative submits that para-wise comments have already been forwarded to Shri Sunil Sharma, Ld. Counsel for the respondents for preparation of Counter Affidavit. Counter Affidavit be filed within two weeks. List on **13.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 763 of 2021

Ex. Nb. Sub. Randhir 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Ms. Anju 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/SB/-

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

O.A. No. 764 of 2021

Ex. Nk. Amit Kumar 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents. The innocuous prayer of the applicant is that to direct the respondents to decide the applicant's representation dated 23.10.2021, which is pending with the respondents. 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 representation dated 23.10.2021, annexed as Annexure No. 5 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. 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/SB/-

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

O.A. No. 791 of 2021

Rect. Gaurav 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
	05.05.2022 **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 Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. Rejoinder Affidavit filed by the applicant is taken on record. As prayed, list on **06.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 805 of 2021

Smt. Hema Rani D/o Late No. 13840645-M Ex. Sepoy Jagdish Lal 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 1. Heard Shri V.P. Pandey and Shri Rajesh Kumar Pundir, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents. 2. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicant has sought following reliefs:- (a) To set-aside/quash the impugned order dated 11 October 2018, contained in Annexure No. A-1 vide which the claim of rounding off benefits have been arbitrarily and illegally rejected. (b) To pass an order/direction to respondents to round off of disability element from 30% to 50% w.e.f. 01.01.1996 to 04.11.2018. (c) To pass an order/direction to the respondents to pay arrears of amount accrued from 01.01.1996 till 04.11.2018 along with interest. (d) Any other relief as considered proper by this Hon'ble Tribunal be awarded in favour of the applicant. (e) Cost of the O.A. be awarded to the applicant. 3. Briefly stated facts of the case are that the father of the applicant was enrolled in Indian Army on 02.03.1964 and was discharged from service on 30.11.1979 (AN) in low medical category on fulfilling the terms of engagement under Rule 13(3) Item III (I) of the Army Rules, 1954. The Release Medical Board identified his disability **"BRONCHIAL ASTHMA"** and assessed it @30% for two years, aggravated by military service. Accordingly, P.P.O. was issued by the Principal Controller of Defence Account (Pension), Allahabad. Thereafter, on the basis of Re-Assessment Medical Board (RSMB) the applicant's father was granted disability pension @135/- per month for life vide PPO No. D/RA/6069/93. The applicant father served legal notice dated 23.09.2017 for grant of rounding off benefit @50% which was rejected vide

letter dated 16.10.2017. Thereafter, applicant's father again preferred a petition dated 28.02.2018 which too was rejected vide letter dated 11.10.2018. the applicant's father expired on 04.11.2018. The applicant preferred petition dated 21.07.2020 which too was rejected vide letter dated 21.08.2020. The applicant's father was in receipt of 30% disability pension till his death i.e. 04.11.2018 and now the applicant has moved this Original Application for grant of benefit of rounding off of disability pension from 30% to 50% till his father's death.

4. Ld. Counsel for the applicant argued that since the applicant's father was already in receipt of 30% disability element for life, therefore, in view of the Hon'ble Apex Court judgment in the case of ***Union of India and Ors vs Ram Avtar & ors*** (Civil appeal No. 418 of 2012 decided on 10th December 2014), the applicant is also entitled to benefit of rounding off of disability element @50% till his death i.e. 04.11.2018.

5. On the other hand, though Ld. Counsel for the respondents conceded grant of 30% disability element to the applicant's father but contended that the applicant's father was not entitled to the benefit of rounding off of disability element on the ground that the applicant's father's services were not cut short as he was not invalided out on account of his disability. In the instant case the applicant's father was discharged from service on completion of his terms of engagement, therefore, the Ld. Counsel claimed that he is not eligible for the benefit of rounding off.

6. The law on the point of rounding off of disability pension is no more RES INTEGRA in view of the Hon'ble Supreme Court judgment in the case of ***Union of India and Ors vs Ram Avtar & ors*** (Civil appeal No 418 of 2012 decided on 10th December 2014) wherein the Hon'ble Apex Court has nodded in disapproval of the policy of the Government of India in granting the benefit of rounding off of disability pension only to the personnel who have been invalided out of service and denying the same to the personnel who have retired on attaining the age of superannuation or on completion of their tenure of engagement. The relevant portion of the decision is excerpted below:-

> *"4. By the present set of appeals, the appellant (s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No 1(2)/97/D (Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.*
>
> *5. We have heard Learned Counsel for the parties to the lis.*
>
> *6. We do not see any error in the impugned judgment (s) and order(s) and therefore, all the appeals which pertain to the concept of rounding off of the disability pension are dismissed, with no order as to costs.*

7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.
8. This Court grants six weeks' time from today to the appellant(s) to comply with the orders and directions passed by us."

7. In the instant case, there is no dispute that applicant's father was in receipt of 30% disability element till his life time as this fact has been accepted by the respondents. In view of the settled law on this matter, we are of the considered opinion that the applicant's father was entitled to the benefit of rounding off to 50% for life i.e. upto 04.11.2018 with effect from **01.01.1996**.

8. In view of the above, the Original Application No. 805 of 2021 is allowed. The applicant's father is held entitled to the benefit of rounding off of disability element from 30% for life to 50% till his life i.e. upto 04.11.2018 with effect from 01.01.1996. The respondents are directed to grant benefit of rounding off of disability element to the applicant's father @50% from 01.01.1996 to till his death i.e. 04.11.2018 and pay the life time arrears due to the deceased soldier to the applicant. The respondents are directed to give effect to this order within a period of four months from the date applicant submits mandatory documents alongwith certified copy of this order. Defaults will invite interest @ 9% per annum from the due date till actual payment.

9. No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/SB/-

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

O.A. No. 856 of 2021

Nb. Sub. Azad 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
	05.05.2022 **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 and Shri Girish Tiwari, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. Counter Affidavit filed by the respondents is taken on record. Matter needs physical hearing. List on **25.07.2022** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 11 of 2022

Ex. Hav. Dushyant 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
	05.05.2022 **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 Anurag Mishra, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents prays for and is granted two weeks time to file Counter Affidavit. List on **23.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 12 of 2022

MWO (HFO) Pushkar Prasad Shukla (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	05.05.2022 **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 Chaturbhuj Dwivedi and Shri P.K. Khare, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents are present. Ld. Counsel for the respondents prays for and is granted two weeks time to file Counter Affidavit as a last chance. List on **24.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 51 of 2022

Ex. Sep. (MACP-II) Shailendra 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
	05.05.2022 **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 Parijaat Belaura, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents. Original Application is **dismissed**. 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/SB/-

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

O.A. No. 59 of 2022

Nk. Jambe Prasad (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
	05.05.2022 **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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Dr. Chet Narayan 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/SB/-

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

O.A. No. 66 of 2022

Ex. Hav. Virendra 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
	05.05.2022 **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 Dharam Raj Singh and Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents. Original Application is **dismissed**. 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/SB/-

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

O.A. No. 112 of 2022

Ex. Hav. Rajendra Prasad 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
	05.05.2022 **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 Vinay Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. No affidavit of compliance filed by the respondents. Let it be filed within a week. List on **17.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 182 of 2016

Lt. Col. Manish 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
	05.05.2022 **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 Hari Mohan Maheshwari, Advocate appears on behalf of the applicant and files Vakalatnama, which is taken on record. Shri Yogesh Kesarwani, Ld. Counsel for the respondents is present. Registry is directed to reflect the name of Shri Hari Mohan Maheshwari, Advocate as Counsel for the respondents when the case is listed next. List on **15.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 187 of 2018

Smt. Dilmani 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
	05.05.2022 **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 and submits that Shri B.B. Tripathi, Ld. Counsel for the informed him today in the morning through WhatsApp that Original Application may be dismissed as withdrawn as applicant does not wish to contest the case. In view of the aforesaid submission, the Original Application is **dismissed** as withdrawn. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 220 of 2019

Hav/SKT Singh Manoj Kumar Shri Narayan 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
	05.05.2022 **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 Dharam Raj Singh, Advocate holding brief of Shri Arvind K. Tripathi, Ld. Counsel for the applicant is present and submits that Shri Arvind Kumar Tripathi is ill and admitted in Hospital. Shri Anurag Mishra, Ld. Counsel for the respondents is also present. In view of the above, list this matter on **14.07.2022** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 314 of 2019

Col. Harish Khangarot (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
	05.05.2022 **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 G.S. Sikarwar, Ld. Counsel for the respondents is present. Matter needs physical hearing. List on **15.07.2022** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 261 of 2020

Ram Nath 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
	05.05.2022 **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 Amit Jaiswal, Ld. Counsel for the respondents are present. Matter needs physical hearing. List on **26.07.2022** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 211 of 2021

Ex. Sep. Laxman 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
	05.05.2022 **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 and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present. Col. B.P. Singh (Retd.), Ld. Counsel for the applicant is reported to be ill. List on **28.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 377 of 2021

HFO Bacha 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Raj Kumar Mishra, Shri Gopal Dwivedi and Dr. Abhay Kant Upadhyay, Ld. Counsel for the applicant and Shri Jai Narayan 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/SB/-

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

O.A. No. 379 of 2021 with M.A. No. 109 of 2022

Smt. Sarswati Devi Widow of Late Nb/Sub. Digember Singh Kholia 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 109 of 2022** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents. This application has been filed by the applicant seeking amendment in the prayer clause of the Original Application. During the course of hearing, Ld. Counsel for the applicant submitted that amendment application be dismissed as withdrawn Accordingly, amendment application is **dismissed** as withdrawn. List the Original Application on **07.07.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 630 of 2021

Ex. MC ERA II Raj 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. Original Application is **dismissed** 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/SB/-

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

O.A. (A) No. 292 of 2016

Shaik Shabber 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
	05.05.2022 **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 G.K. Gaur, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Matter needs physical hearing. List on **14.07.2022** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

T.A. No. 775 of 2010

R.N. 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
	05.05.2022 **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 V.P. Pandey, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. Matter needs physical hearing. List on **04.07.2022** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 320 of 2022

Nk. (DSC) Upendra 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record. Heard Shri U.S. Maurya and Shri Trilok Chand, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents assisted by Major Sini Thomas, Departmental Representative for the respondents. Applicant has filed this Original Application against signal received from the respondents wherein he is to be discharged on 31.07.2022. He also prayed for interim relief that his discharge be stayed. The points raised in Original Application need consideration, therefore, Original Application is admitted for hearing. Respondents to file Counter Affidavit and objection, if any, against interim relief within four weeks. List on **05.07.2022** on interim relief. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

M.A. No. 399 of 2022 Inre : O.A. (A) No. 91 of 2022 with M.A. No. 127 of 2022

Ex. Spr. Ajay Singh Through Pairokar Smt. Poonam Yadav (Wife) 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
	05.05.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 399 of 2022** On the case being taken up for hearing Col. R.K. Tripathi (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Amendments have been incorporated. This is an application filed by the applicant seeking an early date in the Original Application. The Original Application is listed for hearing on 21.07.2022. The Original Application has not yet been admitted for hearing. The Original Application has been filed against the final order of Summary General Court Martial (SGCM) by which the applicant has been dismissed from service and sentenced to undergo five years rigorous imprisonment. Applicant is in civil imprisonment. In view of the order passed in SGCM, the points raised in Original Application (Appeal) need consideration, therefore, Original Application (Appeal) is admitted for hearing. Respondents to file Counter Affidavit and reply, if any, against the Bail Application within four weeks from today. List the matter on the date fixed i.e. on **21.07.2022** for hearing on bail application. Early hearing application stands disposed off accordingly. Respondents are directed to produce original documents pertaining to the case on the next date fixed for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/SB/-

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

O.A. No. 627 of 2021

Col. (TS) Suresh Mamgain (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
	05.05.2022 **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 Ved Prakash and Shri Dedvendra Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Original Application is **partly 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/SB/-

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

O.A. No. 629 of 2021

Ex. Log 1 (SC) Uday 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
	05.05.2022 **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 Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Ms. Anju 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/SB/-