

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

**Ex. A. No. 40 of 2022 Inre : O.A. No. 172 of 2020**

**Ex. Nk. Saroj Kumar Mishra** Applicant  
By Legal Practitioner for the Applicant  
**Versus**  
**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Col. Ashok Kumar (Retd.) and Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that implementation of the order is in process.</p> <p>An affidavit has been filed by the respondents which is taken on record.</p> <p>On request of Ld. Counsel for the respondents, three weeks further time is granted to file affidavit of compliance.</p> <p>List on <b>05.07.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |





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

**Ex. A. No. 98 of 2021 Inre : O.A. No. 202 of 2019**

**Ex. Sep. Jiledar Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the respondents that RSMB in the matter has been held and its report has been sent for obtaining sanction of the Government.</p> <p>Let affidavit of compliance be filed within four weeks.</p> <p>List on <b>14.07.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |

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

**Ex. A. No. 97 of 2022 Inre : O.A. No. 307 of 2021**

**Sep/MT Mukesh Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p>Shri Kaushik Chatterjee, Ld. Counsel appearing on behalf of respondents submits that in view of order dated 12.10.2021 of this Tribunal in Original Application No. 307 of 2021 the case of the applicant was considered and was turned down as he was posted in Field Area. He also submits that he will file affidavit of compliance today in the registry during the course of the day.</p> <p>Let affidavit of compliance be filed, as said.</p> <p>List on <b>27.04.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/><b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (J)</b></p> <p>AKD/-</p> |

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

**Ex. A. No. 98 of 2022 Inre : O.A. No. 92 of 2020**

**Ex. Nb. Sub. Birendra Kumar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal  |
|-----------------------|---|
|                       | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri B.B. Tripathi, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that in compliance of order dated 20.07.2021 in Original Application No. 92 of 2020 PPO has been issued on 20.01.2022 and its copy has been forwarded to the applicant. A copy has been received by the applicant's Ld. Counsel, who submits that although the PPO has been issued, but no amount has been credited in applicant's account till date.</p> <p style="text-align: center;">Regarding non-payment of amount, submission of Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj is that since no payment is being done during the month of March, payment may not be made by the Bank.</p> <p style="text-align: center;">In view of the fact that PPO has been generated in the matter as per order of this Tribunal, the order seems to have been complied with.</p> <p style="text-align: center;">Execution Application is, therefore, <b>dismissed</b> being infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |

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

**O.A. No. 77 of 2016**

|   |               |             |
|---|---------------|-------------|
| <b>Brig. S.K. Sharma (Retd.)</b><br>By Legal Practitioner for the Applicant | <b>Versus</b> | Applicant   |
| <b>Union of India &amp; Others</b><br>By Legal Practitioner for Respondents |               | Respondents |

| <b>Notes of the Registry</b>                              | <b>Orders of the Tribunal</b>  |   |   |
|---|--|---|---|
|   | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri S.S. Pandey and Shri S.S. Rajawat, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that decision in the matter is pending in the Hon'ble Apex Court.</p> <p style="text-align: center;">List on <b>25.08.2022</b>.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)</td><td style="width: 50%; text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</td></tr></table> <p style="margin-top: 20px;">AKD/-</p> | <b>(Vice Admiral Abhay Raghunath Karve)</b><br>Member (A) | <b>(Justice Umesh Chandra Srivastava)</b><br>Member (J) |
| <b>(Vice Admiral Abhay Raghunath Karve)</b><br>Member (A) | <b>(Justice Umesh Chandra Srivastava)</b><br>Member (J)  |   |   |

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

**O.A. No. 758 of 2020**

**Ex. Nk. Roopendra Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

| <b>Notes of<br/>the<br/>Registry</b> | <b>Orders of the Tribunal</b>  |
|--------------------------------------|--|
|                                      | <p><u><b>08.04.2022</b></u><br/><u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u><br/><u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: center;">Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that Rejoinder Application is under preparation and will be filed in the registry within two weeks which is allowed.</p> <p style="text-align: center;">List on <b>14.07.2022</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</p> <p>AKD/-</p> |



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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (E-Court)**

**O.A. No. 449 of 2021**

**Sep. Deepak Kumar Gupta**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Advocate appeared and submits that he has filed Vakalatnama on behalf of applicant which may be taken on record.</p> <p>In view of the fact stated in affidavit filed along with Vakalatnama, the Vakalatnama is taken on record.</p> <p>Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>List on <b>17.05.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/><b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (J)</b></p> <p>AKD/-</p> |

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

**O.A. No. 654 of 2021**

**MWO Kamlesh Kumar Tiwari (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| Notes of<br>the<br>Registry | Orders of the Tribunal  |
|-----------------------------|---|
|                             | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record.<br/>Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.<br/>Original Application is <b>allowed</b>.<br/>For order, see our Judgment passed on separate sheets.<br/>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>     <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)    Member (J)</p> <p>AKD/-</p> |

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

O.A. No. 699 of 2021

**Ex. MWO (HFO) Vijay Shankar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal   |
|-----------------------|--|
|                       | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record.<br/>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents.<br/>Original Application is <b>allowed</b>.<br/>For order, see our Judgment passed on separate sheets.<br/>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)    Member (J)</p> <p>AKD/-</p> |

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

**O.A. No. 718 of 2021**

**Ex. L/Nk. Rakesh Singh**  
 By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
 By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit as a last chance.</p> <p style="text-align: center;">List on <b>02.05.2022</b>.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b><br/> <b>Member (A)</b> </p> <p style="text-align: center;"> <b>(Justice Umesh Chandra Srivastava)</b><br/> <b>Member (J)</b> </p> <p>AKD/-</p> |

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

O.A. No. 721 of 2021

**Ex. Hav. (Hony. Nb. Sub.) Amar Nath Chaubey**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondent Nos. 1 to 4 are present.</p> <p>Notices issued to respondent Nos. 5 and 6 have not yet been returned.</p> <p>List on <b>19.05.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |

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

**O.A. No. 722 of 2021**

**Ex. Hav. (Hony. Nb. Sub.) Kali Prasad Sharma**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal  |
|-----------------------|---|
|                       | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant to the rank of Hony. Naib Subedar in terms of letter No.1(13)/2016/D (Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi and Circular No. 631 dated 05.03.2020 issued by Principal Controller of Defence Accounts (Pensions), Prayagraj, to which Ld. Counsel for the respondents has no objection.</p> <p>With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant to the rank of Hony. Naib Subedar in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi and Circular No. 631 dated 05.03.2020 issued by Principal Controller of Defence Accounts (Pensions), Prayagraj, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.</p> <p>Let a copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/><b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (J)</b></p> <p>AKD/-</p> |

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

O.A. No. 01 of 2022

**Smt. Bittan Devi W/o Late Nk. Surendra Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant states that applicant does not wish to press the Original Application, the same may be dismissed with liberty to file afresh.</p> <p>Accordingly, Original Application is <b>dismissed</b> with liberty to file afresh.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)      Member (J)</p> <p>AKD/-</p> |

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

**O.A. (A) No. 292 of 2021**

**Ex. Sigm. Rahul sorout**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri K.K. Misra and Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>Shri K.K. Misra, Ld. Counsel appearing on behalf of the applicant states that Rejoinder Affidavit has been filed in the registry yesterday which be taken on record.</p> <p>Registry is directed to place it on the record.</p> <p>List on <b>14.07.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |



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

**Ex. A. No. 73 of 2019 with M.A. No. 110 of 2021, M.A. No. 588 of 2019**  
**Inre : O.A. No. 612 of 2017**

**Ex. Gnr. C.K. Shrivastava**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><u><b>08.04.2022</b></u><br/><u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u><br/><u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align:center">On the case being taken up for hearing no one is present on behalf of the applicant nor is there any mention to pass over the case.</p> <p style="text-align:center">Shri Amit Jaiswal, Ld. Counsel for the respondents is present and he seeks ten days time to file affidavit of compliance which is allowed.</p> <p style="text-align:center">List on <b>06.05.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)      Member (J)</p> <p>AKD/-</p> |

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

**O.A. No. 141 of 2012**

**Smt. Rekha**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Nishant Verma, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Matter needs physical hearing.</p> <p style="text-align: center;">List on <b>09.05.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)    Member (J)</p> <p><small>AKD/-</small></p> |

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

**O.A. No. 324 of 2017**

**T.D. Kolekar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submits that he will file Supplementary Counter Affidavit in the registry today during the course of the day.</p> <p>Matter needs physical hearing.</p> <p>List on <b>20.05.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)    Member (J)</p> <p>AKD/-</p> |

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

**O.A. No. 339 of 2018**

**Radhey Shyam** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">List on <b>24.05.2022</b> for physical hearing.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |



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

**O.A. No. 400 of 2021**

**Surendra Singh**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Rejoinder Affidavit filed by the applicant is taken on record.</p> <p style="text-align: center;">Matter needs physical hearing.</p> <p style="text-align: center;">List on <b>14.07.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>     <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>                                     <b>Member (J)</b></p> <p>AKD/-</p> |

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

**O.A. No. 446 of 2021**

**Ex. Lance Dfr. Vir Pal Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant is present.</p> <p>Ld. Counsel for the respondents is not present nor Counter Affidavit has been filed.</p> <p>On the request of Capt. Priyanka, Departmental Representative a week further time is granted to file Counter Affidavit as a last chance.</p> <p>List on <b>09.05.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)    Member (J)</p> <p>AKD/-</p> |





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

T.A. No. 39 of 2017

**Govind Singh Negi**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri S.G. Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Matter needs physical hearing.</p> <p style="text-align: center;">List on <b>26.05.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/><b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (J)</b></p> <p>AKD/-</p> |

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

**O.A. No. 281 of 2022 with M.A. No. 327 of 2022**

**Ex. Cpl. Anis Ahmad**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal   |
|-----------------------|--|
|                       | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Rajiv Narayan Pandey, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">There is a delay of more than 24 years regarding which an application for condonation of delay has been filed.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed two weeks time to file objection against delay condonation application.</p> <p style="text-align: center;">List on <b>04.07.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</p> <p>AKD/-</p> |



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

**O.A. No. 283 of 2022**

**Hav. Sanjoy Samanta**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Ms. Ritu Thomas, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>By means of this Original Application, the applicant, who has permanently placed in low medical category, seeking premature discharge from service.</p> <p>There is no delay in filing of Original Application.</p> <p>The points raised in Original Application need consideration, therefore, Original Application is admitted for hearing.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>04.07.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>27.07.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p> |

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

**O.A. No. 284 of 2022**

**Nb. Sub. Arjun Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal   |
|-----------------------|--|
|                       | <p><b><u>08.04.2022</u></b><br/><b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Ms. Appoli Srivastava, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Ms. Ritu Thomas, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>04.07.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>27.07.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)      Member (J)</p> <p>AKD/-</p> |

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

**O.A. No. 293 of 2022**

**L/Nk. Vishal Rai**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri U.K.S. Chauhan, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed against the order of the respondents by which applicant has been discharged from service.</p> <p>Points raised in the Original Application need consideration, therefore, Original Application is admitted for hearing.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>04.07.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>27.07.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)      Member (J)</p> <p>AKD/-</p> |

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

**Ex. A. No. 117 of 2022 Inre : O.A. No. 716 of 2020**

**Ex. Sep. Ajit Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| Notes of the Registry | Orders of the Tribunal  |
|-----------------------|---|
|                       | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Satendra Kumar Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents assisted by Major Tarun V. Pillai, Departmental Representative for the respondents.</p> <p>Ld. Counsel for the respondents submits that in compliance of order under execution PPO has been issued and its copy has been forwarded to the applicant. The PPO has not been brought on record.</p> <p>Let PPO be brought on record by way of affidavit within two weeks.</p> <p>List on <b>06.05.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)    Member (J)</p> <p>AKD/-</p> |





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

**O.A. No. 602 of 2021**

**Ex. Hav. Jit Bahadur Thapa**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents, three days time is granted to file Counter Affidavit as a last chance.</p> <p>List on <b>25.04.2022.</b></p> <p>(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava)<br/>Member (A)    Member (J)</p> <p>AKD/-</p> |

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

**O.A. No. 39 of 2022**

**Spr. Basav Raj Laxani**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal   |
|-----------------------|--|
|                       | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing no one is present on behalf of the applicant nor is there any mention to pass over the case.</p> <p style="text-align: center;">Ms. Appoli Srivastava, Ld. Counsel for the respondents is present and she submits that Counter Affidavit in the case has been filed in the Court, which be taken on record.</p> <p style="text-align: center;">The Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Rejoinder Affidavit may be filed within two weeks.</p> <p style="text-align: center;">List on <b>18.07.2022</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/><b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (J)</b></p> <p style="text-align: left;">AKD/-</p> |

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

**O.A. No 775 of 2021**

**Hav/ Clk (SD) Sunil Kumar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>08.04.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Sudhir Kumar Singh and Shri Abhishek Singh, learned counsel for the applicant and Dr. Gyan Singh, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submitted that applicant was enrolled in the army on 23.11.2005 with terms of 20 years regular service. His father died on 04.05.2017. His 60 years old mother is a Schizophrenia patient. Psychiatrists have declared her as a risk to self and for society and advised him to admit her in Mental Hospital Bareilly but the Hospital authorities refused to admit her as she requires a regular attendant. Applicant was also diagnosed with Cervical Dist Degenerative disease and he is in acute pain because of which he is unable to perform of his duties. Applicant submitted application for premature retirement on extreme compassionate grounds on 07.10.2020 which was rejected vide order dated 02.12.2020. The applicant again submitted application for unwillingness to continue in service on extreme compassionate as well as on medical grounds on 12.12.2020. His application was recommended by all authorities in chain of command but Record Office rejected his application vide order dated 01.03.2021. Para 443 of ROI 14/2014 states that as far as possible, where unwilling cases are concerned, they will not retain them in service compulsorily unless exigencies of service so demand. Applicant is unable to complete his NCC Course which is necessary</p> |

for further promotion to the rank of Nb Sub, due to his disability. AMC Record has intimated vide letter dated 17.08.2021 that applicant shall be superseded for further promotion and his juniors shall be promoted to the rank of Nb Sub. Learned counsel for the applicant pleaded that directions be issued to respondents to grant premature discharge to the applicant on compassionate grounds.

On the other hand, learned counsel for the respondents submitted that applicant is placed in low medical category for disabilities CERVICAL DISC DEGENERATIVE DISEASE and PIVD I4-D. He has not been awarded any punishment during his entire service. He will be completing his terms of engagement on 30.11.2029 in present rank. The applicant submitted an application dated 07.10.2020 for premature retirement from service on compassionate grounds on account of his own medical condition and for taking care of his old aged mother. Integrated headquarters of Min of Def (Army), vide Note dated 07.10.2020 read with Note dated 16.10.2020 and letter dated 17.11.2020 has conveyed the approval of the competent authority to limit premature retirement cases at '0.5% of authorised/ held strength whichever is less, in the trade, in respect of Junior Commissioned Ranks, effective till 31.03.2023. This drastic measure was required on account of stoppage of fresh recruitment due to the COVID situation. At the time of considering the above mentioned application for premature retirement of the applicant, in Nov 2020, deficiency in Clerks Staff Duties, (category to which the applicant belongs) was 4.33% (138 persons less) against the authorisation of 3185 personnel. The application of the applicant was considered sympathetically by Record Office, AMC but could not be agreed to by the competent authority due to the above restriction imposed by Integrated Headquarters of Ministry of Defence on account of the COVID- 19 situation. The same was intimated to individual. The applicant then rendered his unwillingness to continue in service due to low medical category. As per Paragraph 438 of AMC Instruction 14/2014 *'the cases of permanent low medical category personnel, whether battle casualties or otherwise, unwilling to*

*continue in service, will sign an unwillingness cert which shall be forwarded to Army Medical Corps Record Office along with recommendation of Commanding Officer/Officer Commanding unit for necessary approval. In case of approval, individual will thereafter be brought before a Release Medical Board and discharge carried out as per laid down Instructions.”* Further Paragraph 443 of Army Medical Corps Record Office Instructions 14/2014 states that *“in the case of those who are unwilling to continue in service in permanent low medical category, Officer in Charge Records is the competent authority to decide whether such personnel are to be retained in service or to be discharged from service. As far as possible, unwilling cases will not be retained in service compulsorily unless exigency of service so demands in consideration with the nature of disability of the individual.”* Learned counsel for the respondent submitted that in view of facts and circumstances of the case, instant Original Applicant is liable to be dismissed and applicant is not entitled for premature discharge.

We have heard learned counsels of both the parties and perused the policy. The medical condition of the mother of the applicant is critical and applicant has also been placed in low medical category. He cannot attend NCC Cadre due to his low medical category and he will be superseded for promotion to the rank of Nb Sub. Being a low medical category case, he cannot perform his duties properly.

In view of the above, competent authority i.e. Army Medical Corps, Record Office is directed to re-consider the case of the applicant sympathetically and grant premature discharge to the applicant on humanitarian ground, if rules permit.

With the aforesaid directions, O.A. is disposed of.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

UKT/-