





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

**O.A. No. 854 of 2021 with M.A. No. 1012 of 2021**

**Ex. Sep. Kripa Ram**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri R.K.S. Chauhan, Advocate on behalf of the respondent Nos. 1 to 4 is taken on record.</p> <p>Heard Shri Abhishek Dwivedi, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondent Nos. 1 to 4.</p> <p>This Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 to grant service pension to the applicant.</p> <p>The submission of Ld. Counsel for the applicant is that applicant was enrolled in the Indian Army on 23.11.1962 as Sepoy and discharged from service on 31.05.1979 after having put in more than 16 years of service. His further submission is that after retirement the applicant was in receipt of service pension from Treasury Office, Gonda till May, 1981. However, after May, 1981 it was stopped saying his pension account has been transferred to State Bank of India, Balrampur. His further submission is that applicant is not getting pension from the Bank on one or the other reason.</p> <p>There is a delay of 37 years, 02 months and 13 days in filing of Original Application regarding which the submission of Ld. Counsel for the applicant is that applicant being illiterate person could not file Original Application earlier. His further submission is that it is a pensionary matter in which bar of limitation is not applicable.</p> <p>The Ld. Counsel for the respondent Nos. 1 to 4 has vehemently opposed the prayer and submitted that that there being more than 37 years delay and the same being not properly and satisfactorily explained, delay should not be condoned.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering that bar of limitation is not applicable in pensionary matter and also that cause shown is sufficient, delay is condoned. The delay condonation application is decided accordingly.</p>

**O.A. No. 854 of 2021**

Matter needs adjudication.

Admit.

Ld. Counsel for the respondent Nos. 1 to 4 seeks and is allowed four weeks time to file Counter Affidavit. Thereafter, Rejoinder Affidavit, if any, may be filed within two weeks.

Issue notice to respondent Nos. 5, 6 and 7 returnable within four weeks.

Steps for notice be taken within a week.

List the matter before Registrar on **28.02.2022** for exchange of pleadings.

List the matter before Tribunal on **25.03.2022**.

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

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

AKD/-



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

**O.A. No. 856 of 2021 with M.A. No. 1015 of 2021**

**Nb. Sub. Azad 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">As per office note, there is no delay in filing Original Application, however, an application for condonation of delay has been moved which being not required is <b>dismissed</b>.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on <b>28.02.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>25.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> 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. 859 of 2021**

**Ex. Nb. Sub. Jai Kumar Panicker**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Manoj Kumar Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>28.02.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>25.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <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. 861 of 2021 with M.A. No. 1026 of 2021**

**Ex. Hony. Nb. Sub. Anil Kumar Dubey**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 which pertains to pay and allowances. There is a delay of 13 years, 08 months and 13 days in filing Original Application regarding which an application for condonation of delay has been filed. An affidavit has also been filed in support of delay condonation application stating that delay in filing Original Application is not deliberate.</p> <p style="text-align: justify;">Ld. Counsel for the respondents has vehemently opposed the prayer.</p> <p style="text-align: justify;">Upon hearing submissions of Ld. Counsel for both the sides and considering that the facts averred in affidavit filed in support of delay condonation application, we are of the view that cause shown is sufficient. Accordingly, delay is <b>condoned</b>. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No. 861 of 2021</u></b></p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on <b>28.02.2022</b> for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on <b>25.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> 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. 09 of 2022**

**Ex. Gnr. Zala vijay Singh Nathu 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Vishvesh Kumar, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Vishvesh Kumar, Ld. Counsel for the respondents.</p> <p>The innocuous prayer of the applicant is that to direct the respondents to decide the applicant's Statutory Complaint dated 30.09.2020, which is pending with the respondents.</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 decide the applicant's Statutory Complaint dated 30.09.2020, annexed from page 17 to 25 of Original Application, by a speaking and reasoned order in accordance with law, if not already decided, within a period of four months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly.</p> <p>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> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> 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. 10 of 2022**

**Ex. Sep. Vais Dependra Bahadur 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <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 Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The present Original Application has been filed for the grant of invalid pension.</p> <p style="text-align: center;">As per office note, there is no delay in filing of Original Application. .</p> <p style="text-align: center;">Points raised in Original Application need consideration, therefore, Original Application is <b>admitted</b> for hearing.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on <b>28.02.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>25.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</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. 11 of 2022**

**Ex. Hav. Dushyant 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <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 Anurag Mishra, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on <b>28.02.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>25.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</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. 12 of 2022 with M.A. No. 12 of 2022**

**MWO (HFO) Pushkar Prasad Shukla**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Ms. Prerna Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Shri Chaturbhuj Dwivedi and Shri P.K. Khare, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The Original Application has been filed with delay of 10 months and 03 days.</p> <p style="text-align: justify;">Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align: justify;">Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.</p> <p style="text-align: justify;">Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.</p> <p style="text-align: justify;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><b><u>O.A. No. 12 of 2022</u></b></p> <p style="text-align: justify;">It is a fit case for adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on <b>28.02.2022</b> for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on <b>25.03.2022</b>.</p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: justify;"><b>(Justice Umesh Chandra Srivastava)</b> 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. 01 of 2022 Inre : O.A. No. 120 of 2021**

<b>Ex. JWO Bharat Prasad</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is a fresh Execution Application.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instructions in the matter.</p> <p style="text-align: center;">List on <b>28.02.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> 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. 02 of 2022 Inre : O.A. No. 695 of 2020**

**Col. Sanjeev Agnihotri**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <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;">On the case being taken up for hearing Shri Gyanendra Kumar Pandey, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is a fresh Execution Application.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instructions in the matter.</p> <p style="text-align: center;">List on <b>28.02.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> 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)**

**M.A. No. 1010 of 2021 with M.A. No. 1011 of 2021 Inre : O.A. No. 106 of 2013**

<b>Mahabir Singh</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>		
	<p><b><u>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p><b><u>M.A. No. 1010 of 2021 with M.A. No. 1011 of 2021</u></b></p> <p style="text-align: justify;">Heard Shri Arun Kumar Ojha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">As per office note, there is no delay in filing of recall application, delay condonation application filed by the applicant being not required is <b>dismissed</b>.</p> <p style="text-align: justify;">In view of facts averred in affidavit filed in support of recall application, the order dated 27.08.2021 in Original Application No. 106 of 2013 with Misc. Application No. 464 of 2013 is recalled.</p> <p style="text-align: justify;">Let Original Application No. 106 of 2013 with Misc. Application No. 464 of 2020 be restored to its number.</p> <p><b><u>O.A. No. 106 of 2013 with M.A. No. 464 of 2020</u></b></p> <p style="text-align: justify;">List on <b>02.03.2022</b> for final hearing.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</td><td style="width: 50%; text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</td></tr></table> <p>AKD/-</p>	<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)
<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)		

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

M.A. No. 1021 of 2021 with M.A. No. 1022 of 2021  
Inre : O.A. No. 296 of 2015 with M.A. No. 464 of 2019

**Prakash 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <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 Maj. R.D. Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the applicant, list on <b>28.01.2022</b>.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center; border: none;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</td><td style="width: 50%; text-align: center; border: none;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</td></tr></table> <p>AKD/-</p>	<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)
<b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)	<b>(Justice Umesh Chandra Srivastava)</b> Member (J)		

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

**M.A. No. 10 of 2022 with M.A. No. 11 of 2022 Inre : O.A. No. 13 of 2018**

**Ex. Nb. Sub. Shri Pal 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><u><b>10.01.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align:center">Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align:center">On the case being taken up for hearing Maj. R.D. Singh, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">As prayed by the Ld. Counsel for the applicant, list on <b>28.01.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <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. 68 of 2019 Inre : Ex. A. No. 08 of 2018 Inre : O.A. No. 445 of 2012**

**Man 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Lt. Col. Mahendra Singh, Departmental Representative for the respondents.</p> <p style="text-align: justify;">Ld. Counsel for the applicant submits that order dated 08.03.2017 in Original Application No. 445 of 2012 passed by this Tribunal has not yet been complied with.</p> <p style="text-align: justify;">In regard to above, the submission of Ld. Counsel for the respondents is that order has been complied with. In compliance, not only P.P.O. has been generated but R.S.M.B. has also been held in which applicant's disability has been held Nil for life.</p> <p style="text-align: justify;">On perusal of order dated 08.03.2017 stated above it appears that applicant had filed the Original Application for the grant of disability pension which was allowed on the reason that when discharged from service applicant was suffering from 'GENERALIZED SEIZURE' [SEIZURE DISORDER (OLD)-295] @20% for two years. While allowing the Original Application the respondents were directed to grant disability pension to the applicant @20% for two years to be rounded off to 50%, in terms of policy letter dated 31.01.2001 with further direction to the respondents to hold R.S.M.B. to assess further disability, if any. In compliance of the said order a P.P.O. has been generated by the respondents which is for the period from 01.12.1995 to 30.11.1996 only, not two years as directed by this Tribunal. Not only this, in R.S.M.B. held at Military Hospital, Agra on 23.08.2018 applicant has been found suffering with the same disability with same percentage which he had when he was discharged from the service. However, the R.S.M.B. has held the disability Nil for life which is very surprising.</p>

When for the same disability with same percentage the Original Application has once been allowed and respondents have been directed to grant disability pension for a period of two years the R.S.M.B. has no authority to treat disability Nil for life as it is in utter disregard to this Tribunal's order. The applicant cannot be asked to file fresh Original Application for the grant of disability pension based on the outcome of R.S.M.B., as suggested by the respondents learned Counsel.

Respondents are, therefore, directed to grant disability pension to the applicant @20% to be rounded off to 50% for the period from 01.12.1995 to 30.11.1997, and from 23.08.2018 (the date of R.S.M.B.) for life. They are further directed to issue Corrigendum P.P.O. in the above regard, after adjusting the amount, if already paid to the applicant, within four weeks from today.

List on **01.03.2022**.

Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance.

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

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

AKD/-



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

**Ex. A. No. 76 of 2019 Inre : O.A. (A) No. 311 of 2017**

**Smt. Alka Mishra W/o Ex. Nk. Vimal 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Affidavit of compliance filed by Shri G.S. Sikarwar, Ld. Counsel for the respondents is taken on record.</p> <p>Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p>Shri Rajeev Kumar Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad) is also present to assist the Tribunal and he submits that in compliance of the order under execution P.P.O. has been generated and its copy has been forwarded to the applicant. He further submits that since the order has been complied with personal attendance of Principal Controller of Defence Accounts (Pension), Prayagraj should be exempted and Execution Application should be dismissed.</p> <p>In reply, Ld. Counsel for the applicant submits that though the P.P.O. is in terms of the order, however, applicant has not received any arrear till date, therefore, Execution Application may be kept pending till payment is made.</p> <p>Keeping in view that order under execution has been complied with by issuing P.P.O. in the matter which is in terms of order the personal appearance of Principal Controller of Defence Accounts (Pension), Prayagraj is exempted.</p> <p>List on <b>04.03.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> 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. 38 of 2020 with Diary No. 3340 of 2021 Inre : O.A. No. 109 of 2016**

**Ex. Hav. Amar Nath Singh Kharwar**  
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>10.01.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>Heard Shri Diwakar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>Shri Rajeev Kumar Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad) is also present to assist the Tribunal.</p> <p>Ld. Counsel for the applicant submits that despite order regarding payment of pay and allowances being passed twice by this Tribunal the respondents have not yet complied with the order as pay and allowances for the period from 01.08.2003 to 31.08.2008 are still unpaid. He further submits that respondents have not paid interest also on arrears, as directed by this Tribunal in the order dated 11.10.2018 in O.A. No. 109 of 2016.</p> <p>In reply, the Ld. Counsel for the respondents submits that order has been fully complied with, including cost Rs.50,000/-, therefore, Execution Application be dismissed.</p> <p>Applicant has not filed any calculation sheet regarding due and drawn statement of pay and allowances. He is directed to file the same within a period of two weeks.</p> <p>Respondents are also directed to file details of due and drawn within the aforesaid period.</p> <p>List on <b>14.02.2022</b>.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance.</p> <p style="text-align:right"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b>                      <b>(Justice Umesh Chandra Srivastava)</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. 17 of 2021 Inre : O.A. No. 162 of 2019**

**Ex. Sub. Awadhesh Prasad 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <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 R.K.S. Chauhan, Ld. Counsel for the respondents are present.</p> <p>Shri Rajeev Kumar Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad) is also present to assist the Tribunal and he submits that four weeks further time be granted to generate P.P.O. in the matter which is allowed.</p> <p>List on <b>03.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <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. 331 of 2020 with M.A. No. 376 of 2020**

**Lt. Col. Sandeep Sharma**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Ms. Soma Pandey and Shri Shashank Dwivedi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record.</p> <p>List on <b>08.03.2022</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>UKT/-</p>



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

**O.A. No. 415 of 2020 with M.A. No. 295 of 2020**

**Gnr (Opr) Amit Kumar** 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><u><b>10.01.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Manu Kumar Srivastava, Ld. Counsel for the respondents is present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Notice to OP No. 5, Maya Yadav, has not yet been issued.</p> <p>Steps to issue notice be taken within two weeks. Thereafter, notice be issued to respondent No 5 returnable within four weeks.</p> <p>List on <b>08.03.2022</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 477 of 2020**

**Ex Hav (Hony Nb Sub) Surendra Kumar Pandey**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Shri Anurag Mishra, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Neither the applicant nor his counsel is present nor is there is request to pass over the case.</p> <p style="text-align: center;">On 27.08.2021, it was stated from the side of respondent that grievance raised in O.A. No 477 of 2020 has been redressed. It was also stated that affidavit of compliance has been filed by the respondents to which applicant was directed to file objection, if any. No objection has been filed till date which shows that applicant has no objection.</p> <p style="text-align: center;">We have gone through the affidavit of compliance and we find that grievance raised in O.A. being readdressed during the pendency of O.A., application deserves to be dismissed being infructuous.</p> <p style="text-align: center;">Accordingly, O.A. is dismissed being <b>infructuous</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>UKT/-</p>

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

**O.A. No. 603 of 2020**

<b>Sudhir Singh</b> By Legal Practitioner for the Applicant	<b>Versus</b>	Applicant
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents		Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents No 1 to 3 and Shri Shiv Avadhesh Shukla, Ld. Counsel for the respondents No 4 are present. Shri RK Tiwari, Account Officer from PCDA (P), Allahabad is also present.</p> <p>Learned counsel for the respondent No 4 submits that with regard to claim made by the applicant necessary documents have been forwarded to PCDA and as soon as the payment order is issued, payment will be made to the applicant. Thus he submits that four weeks further time be granted to file affidavit of compliance in the matter which is allowed.</p> <p>PCDA (P), Allahabad is also directed to do needful in the matter so that grievance can be redressed.</p> <p>List on <b>07.03.2022</b>.</p> <p style="text-align:right"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align:right"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>UKT/-</p>



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

**O.A. No. 451 of 2021**

**Ex. Nb Sub Shri Nath Yadav**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Jai Narayan Mishra, Ld. Counsel for the respondents is present.</p> <p>Neither the applicant nor his counsel is present nor is there any prayer to pass over the case.</p> <p>Learned counsel for the respondents submits that applicant filed this application for grant of disability pension @ 60% to be rounded of to 75% along with 12% interest from the date of invaliding out from army. He further submits that against this disability, applicant had filed a Civil Misc Writ Petition No 16707 of 1994, Shri Nath Yadav Vs Union of India and another in Hon'ble Allahabad High Court which was dismissed on merit vide order dated 04.02.2005. He further submits that a Special Appeal No 609 of 2006, Shri Nath Yadav vs Union of India and another, preferred against the order has also been dismissed on 24.11.2010. Thus, he submits that order passed by the Hon'ble Allahabad High Court has attained finality and, in view of this, present O.A. being filed on the same cause of action is not maintainable.</p> <p>We have gone through the order dated 04.02.2005 passed by the Hon'ble Allahabad High Court in Civil Misc Writ Petition No 16707 of 1994 and order dated 24.11.2010 of the Hon'ble Allahabad High Court in Special Appeal No 609 of 2006 and we find that disability claim of the applicant being dismissed on merit by the Hon'ble Allahabad High Court and the present Original Application being based on same cause of action is not maintainable being barred by the principle of res-judicata.</p> <p>Accordingly, Original Application is dismissed being not maintainable.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>                                      <b>Member (J)</b></p> <p>UKT/-</p>



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

**O.A. No. 492 of 2021**

<b>Rect Gopal Sule Bhagwat</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri KC Ghildiyal and Shri R Chandra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">During the course of hearing a query was put to learned counsel for the applicant if applicant has been shown medically unfit for civil re-employment in the discharge book.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted two weeks time to reply this query.</p> <p style="text-align: center;">List on <b>24.01.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>UKT/-</p>





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

O.A. No. 649 of 2021

**MWO Raj Kumar Upadhyay**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Shri D K Pandey, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents and as a last chance, two weeks further time is granted to file counter affidavit.</p> <p>List on <b>11.02.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>

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

O.A. No. 728 of 2021 with M.A. No. 840 of 2021

**Smt. Bittan Devi W/o Late Gnr Rajesh Kumar** 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><u><b>10.01.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for respondents No 1 to 4 seeks and is granted four weeks time to file counter affidavit.</p> <p>Issue notice to Respondent No 5 (AGIF) returnable within four weeks. Steps for notice be taken within a week.</p> <p>List on <b>09.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>





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

**O.A. No. 298 of 2019 alongwith M.A. No. 2041 of 2016**  
**Inre O.A. No. (A) (Nil) of 2016 (Decided)**

**Ex Nk Ram Kar 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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Col. Y R Sharma, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p>List on <b>11.03.3022</b> for final hearing.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>



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

**O.A. No. 616 of 2020**

**Ex Gdsm Deepak Srivastava**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Col. Y R Sharma (Retd), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>List on <b>11.03.2022</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

**O.A. No. 618 of 2020**

**Smt. Prema Kumari Wife of Hony Sub Ram Datt Mishra**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Sunil Sharma, Ld. Counsel for the respondents is present.</p> <p>No one appears on behalf of applicant.</p> <p>Shri Sunil Sharma, appearing on behalf of respondents submits that applicant who is wife of Ex. J.C. 170578P Hony Sub Ram Datt Mishra, has filed this application seeking direction to respondents to re-imburse travelling allowance for medical treatment amounting to Rs. 44,880/- to the applicant after quashing bill rejection order dated 06.09.2017. He submits that there being delay in filing of application, respondents had filed objection against the same wherein they had also raised objection against maintainability of the application. However, when the delay condonation application was decided, the preliminary objection raised in delay condonation application regarding maintainability of Original Application could not be addressed, with the result the same is still pending decision. He submits that objection goes to the root of application, as being not maintainable, application may be dismissed without entering into merit of it.</p> <p>Ld. Counsel submits that Section 2 of the Armed Forces Tribunal Act, 2007, which deals with application reads as under :-</p> <p>(1) <i>The provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).</i></p> <p>(2) <i>This act shall also apply to retired personnel subject to the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957), or the Air Force Act, 1950 (45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters.</i></p> <p>He submits that from the above, it is clear that Armed Forces Tribunal Act, 2007 is not only applicable to armed forces personnel who are subject to the Army Act, or the Navy Act or the Air Force Act but to retired personnel to the</p>



Army Act, or the Navy , or the Air force Act, including their dependents, heirs and successors also, in so far as it relates their service matters. He submits that “retired personnel subject to the Army Act, or the Navy Act, or the Air Force Act, including their dependents, heirs and successors” referred to in sub-section (2) does not mean that dependents, or heirs, or successors of retired personnel can invoke the provisions of the Armed Forces Tribunal Act, 2007 for redressal of their grievance independently during life time of retired personnel. They can invoke the provisions of the above Act when either retired personnel of which the dependents, or the heirs, or the successors. They are either dead or incapacitated due to physical, mental or any other reason. However, in the case of incapacitation the dependents, or heirs or successors of the retired personnel can file application, in the name of retired personnel only through next of friend. But, in such case the dependents, or heirs, or the successors cannot file application in their own name.

Learned counsel further submitted that Hony. Sub. Ram Dutt Mishra, of which applicant is the wife, is a retired personnel. He is not incapacitated due to physical, mental or any other reason. The amount for which recovery present application has been filed was allegedly spent on treatment of the applicant. He submits that since grievance is in regard to treatment of the applicant who is not a retired personnel but wife of a retired personnel who is neither dead nor incapacitated, application for redressal of grievance can be filed by the retired personnel only, not by anybody else.

We have perused the provisions laid down in Section 2 of the Armed Forces Tribunal Act, 2007 and facts averred in Original Application as well. After going through Section 2 we are agree that “retired personnel subject to the Army Act, or the Navy Act, or the Air Force Act, including their dependents, heirs and successors” referred to in sub-section (2) of the Armed Forces Tribunal Act, 2007 does not mean dependents, heirs and successor of retired personnel can invoke the provisions of the Armed Forces Tribunal Act, 2007 during time when retired personnel are alive. Dependents, heirs and successors of a retired personnel can invoke the provisions only when the retired personnel is either dead or incapacitated due to physical, mental or any other reason, not otherwise.

From the facts of the case in hands it is clear that applicant herself is not a retired personnel, she is the wife of a retired personnel who is neither dead nor incapacitated. Therefore, application filed by her for redressal of grievance is not maintainable.

Accordingly, Original Application is **dismissed** being not maintainable.

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

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

UKT/-



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

**O.A. No. 686 of 2020**

**Smt. Soma Kumari W/o Late Ex Sep Jagdish Babu**  
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>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri KP Datta, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. Argument concluded. Judgment reserved.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>



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

**O.A. No. 354 of 2021**

<b>Smt. Krishna Kumari Gupta W/o Late Krishna Gopal Gupta</b> By Legal Practitioner for the Applicant	<b>Applicant</b>
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	<b>Respondents</b>

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>10.01.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:justify;">On the case being taken up for hearing Shri Vishwesh Kumar, Ld. Counsel for the respondents is present.</p> <p style="text-align:justify;">Neither the applicant nor his counsel is present nor is there any mention to pass over the case.</p> <p style="text-align:justify;">Learned counsel for Respondents submits that grievance raised in O.A. has already been addressed and Corrigendum PPO No 193199100312 dated 04 Nov 2019 has been issued as stated in Para No. 4 of the counter affidavit. He submits that in view of the fact grievance has been addressed and corrigendum PPO has been issued and the same is not complied with by the Bank, a direction be issued to the Bank to make compliance of the PPO.</p> <p style="text-align:justify;">In view of the aforesaid, we direct the Respondent No 4, The Branch Manager, State Bank of India, Fatehgarh, Distt- Farrukhabad to make compliance of the above mentioned PPO within four weeks from the date of this order.</p> <p style="text-align:justify;">In view of the above the O.A. stands disposed of.</p> <p style="text-align:justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align:justify;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>UKT/-</p>



