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

M.A. No. 272 of 2022 Inre : O.A. No. 880 of 2021

Lt. Col. Awadhesh Kumar Singh through Pariokar (His Wife)
Lt. Col. Aneesha Singh (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 272 of 2022 Inre : O.A. No. 880 of 2021** 1. Heard Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. 2. This application has been filed in Original Application No. 880 of 2021, Lt. Col. Awadhesh Kumar Singh Vs Union of India and others which has been filed by the applicant for setting aside the tentative charge sheet served upon the applicant on 12.07.2019 being time barred under section 122 of the Army Act and also for setting aside the order dated 16.11.2021 requiring the applicant to move to DRC Faizabad for disciplinary proceedings. By means of this application the applicant wants his release from the close arrest. The applicant is in close arrest in connection with disciplinary proceedings in respect of alleged irregularities committed while demanding medical stores at Base Hospital, Lucknow. 3. Learned counsel for the applicant submits that in regard to irregularities in demand of medical stores at Base Hospital, Lucknow Disciplinary Proceedings were initiated against the applicant. In the said disciplinary proceedings the applicant is under close arrest in accordance with provisions of Regulations of the Army para 392(k). In proceedings before the General Court Martial the applicant had taken plea in bar that trial in respect of alleged irregularities in demand of medical stores at Base Hospital, Lucknow was barred by time in view of section 122 of the Army Act which was accepted by the court, holding that trial was barred by time. Despite the same applicant was not released from the close arrest, rather his arrest is still continuing which is illegal as once trial is held barred by time the respondents cannot keep applicant in close arrest but they ought to have immediately released the applicant. He further submits that applicant can't be kept in custody on the premise that court decision declaring the trial as time barred is not final but is subject to confirmation by the GOC-in-C Central Command and, if the same is not confirmed, the convening authority may convene reassembly of the court

and the court may proceed in the matter as if the plea has been found not

proved. He submits that even if it so happens the applicant is ready to give undertaking that he will appear before the court for facing trial as and when it is so required.

4. Per contra, learned counsel for the respondents, on instructions received, submits that finding of the court declaring the GCM in respect of applicant as time barred in view of section 122 of the Army Act is not final and it is subject to confirmation by the confirming authority i.e. GOC-in-C Central Command and this is the reason applicant was immediately not released after finding of the GCM in plea of bar was recorded. He submits that if the decision of the GCM is not accepted by the confirming authority then as per Army Rule 53(4) read in conjunction with Army Act 153 the GCM may be reassembled by the confirming authority and the GCM may proceed as if the plea has not been found proved. He thus submits that given the above factors the convening authority has taken decision to continue to keep the applicant under close arrest under provisions of Regulations of the Army Para 392(k).

5. From the discussions made above it is not disputed that applicant's plea in bar declaring the GCM in respect of applicant as time barred, in view of section 122 of the Army Act has been accepted by the Court. The finding of the Court is undoubtedly subject to confirmation by the GOC-in-C Central Command but applicant's release cannot be denied on this reason, more so when he is in service and there is nothing against him that he has ever tried to run away to avoid the disciplinary proceedings and is ready to give an undertaking to appear before the GCM if it reassembles should the court decision be not confirmed by the competent authority. Thus in the circumstances we find that applicant deserves to be released on bail subject to undertaking. Applicant is ready to ready to give undertaking to appear before the GCM when reassembled under order of the convening authority, if finding of the court is not accepted by the GOC-in-C Central Command.

6. In view of the above, the M.A. is allowed. Let the applicant MR- 07778F Lt. Col. Awadhesh Kumar Singh of Base Hospital, Lucknow attached with DORGA REGTL CENTRE be released on bail on his furnishing a personal bond of the sum of Rupees One Lakh in favour of Govt of India and one surety in the like amount stating that in case decision of the GCM declaring the trial in respect of the applicant as time barred is not confirmed by the GOC-in-C Central Command, and the court reassembles to proceed with trial then he himself will report to/surrender before the court to face the trial. It is clarified that in the event of applicant failing to abide by the bond the respondents shall be at liberty to take him in close custody and the order of bail will not come in their way in any manner.

7. The M.A. stands decided accordingly.

	(Vice Admiral Abhay Raghunath Karve) **Member (A)** AKD/-	**(Justice Umesh Chandra Srivastava)** **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. 253 of 2021 with M.A. No. 254 of 2021 Inre : O.A. No. 40 of 2012

Mahabir Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 253 of 2021 with M.A. No. 254 of 2021** Heard Shri Anup Saini, Advocate holding brief of Shri Govind Kant Sharma, Ld. Counsel for the applicant and Dr Shailendra Sharma Atal, Ld. Counsel for the respondents. This application has been filed to recall the order dated 10.02.2014 in Original Application No. 40 of 2012, Mahavir Singh Vs Union of India and others by which Original Application has been dismissed in default. Ld. Counsel for the applicant submits that delay in filing of application is not deliberate. It is due to old age and poverty of the applicant that he could not file the recall application in time. Applicant is around eighty years old residing in Bagpat, a place which is around six hundred kilometres away from Lucknow. He further submits that even the counsel who is representing applicant's case is acting pro bono without charging any fee. The matter pertains to disability pension which applicant has been wrongly denied by the respondents. Per contra, Ld. Counsel for the respondents submits that applicant has failed to give satisfactory explanation of the long delay of more than seven years. Long delay can not be condoned merely due to applicant being of old age. Upon hearing submissions of learned counsel of the parties and considering that applicant is an old person and matter pertains to pension which cannot be denied on account of delay, we feel it appropriate to condone the delay. Accordingly, delay in filing of recall application is condoned. Delay condonation application stands disposed of. In view of the above, recall application is **allowed**. The order dated 10.02.2014 in Original Application No. 40 of 2012 is recalled and Original Application is restored to its number. **O.A. No. 40 of 2012** Counter Affidavit has been filed and taken on record. No rejoinder affidavit has been filed. Applicant intends to file rejoinder which may be filed within two weeks. List on **29.04.2022** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 39 of 2022 Inre : O.A. No. 89 of 2020

Ex. MCPO AOF II Phool Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondent Nos. 1 to 4. Affidavit of compliance filed by the respondent Nos. 1 to 4 is taken on record. Ld. Counsel for the respondent Nos. 1 to 4 submits that in compliance to order PPO has been generated on 23.09.2021 and its copy has been forwarded to the Ld. Counsel for the applicant also. Ld. Counsel for the applicant submits that despite PPO being generated on 23.09.2021 nothing has been received towards arrears in applicant's account. He further submits that notice be issued to respondent Nos. 5 and 6. Issue notice to respondent Nos. 5 and 6 returnable within four weeks. Steps for notice be issued within a week. List on **27.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 80 of 2018 Inre : R.A. No. 17 of 2011 Inre : T.A. No. 288 of 2010

Smt. Darko Devi W/o Late Ex. Hav. Chhote Lal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad). An affidavit of compliance has been filed by the respondents which is taken on record. We have gone through the affidavit of compliance and we find that in regard to compliance of the order Government Sanction has been accorded on 09.03.2022. Ld. Counsel for the respondents submits that since the Government Sanction has been accorded, some more time is required for generation of PPO, hearing of the case may be adjourned. Ld. Counsel for the respondents further submits that personal attendance of concerned officer be dispensed with. Considering that Government Sanction has been accorded on 09.03.2022, we grant three weeks time to make compliance of the order. Personal attendance of the concerned officer shall remain dispensed with, till generation of PPO. List on **18.04.2021**. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 59 of 2021 Inre : O.A. No. 231 of 2017

Kalyan Singh Rawat Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col. A.K. Singh (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad). An affidavit of compliance has been filed by the respondents which is taken on record. We have gone through affidavit of compliance and we find that there is no mention of interest in the PPO for the disability element for intervening period. The submission of Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj in this regard is that there is no requirement of separate sanction of interest for the intervening period when Corrigendum PPO is generated. We are not satisfied with the plea for not mentioning interest in the Corrigendum PPO. Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad) is directed to re-issue Corrigendum PPO mentioning interest also within a period of three weeks from today. List on **29.04.2022**. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 80 of 2021 Inre : Inre : O.A. No. 467 of 2019

Ex. Sub. Om Prakash Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents assisted by Capt. Priyanka, Departmental Representative for the respondents. In regards to compliance of order, the Departmental Representative submits that PPO has been generated in September, 2021 and mailed to the applicant. However, Ld. Counsel for the applicant submits that the same has not been received by applicant after so many months. Respondents are directed to bring the PPO on record within two weeks from today. List on **13.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 96 of 2021 Inre : O.A. No. 728 of 2020

Ex. Hav. (Hony. Nb. Sub.) Suraj Pal Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. In regard to compliance, Ld. Counsel for the respondents submits that order has been complied with. However, no affidavit of compliance has been filed. Respondents are, therefore, directed to file affidavit of compliance within two weeks from today. List on **18.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 406 of 2020

Urmila Devi W/o Late Ex. Nk. (TS) Ram Naresh Dubey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shiv Nath Goswami, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. Matter needs physical hearing. List on **27.04.2022** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 51 of 2021 with M.A. No. 805 of 2021

Ex. Nb. Sub. (ACP) Vishun Dayal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.P. Datta, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present. As prayed by Shri Arun Kumar Sahu, Ld. Counsel appearing on behalf of the respondents, two weeks further time is granted to file Supplementary Counter Affidavit. List on **04.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 271 of 2021

Nb. Sub. Kaushlendra Pratap Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. On the request of Dr. Shailendra Sharma Atal, Ld. Counsel appearing on behalf of the respondents, two weeks further time is granted to file Counter Affidavit. List on **04.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 308 of 2021

Ex. HFO/MWO Bal Krishna Mishra Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 322 of 2021

Smt. Sushma W/o Late Ex. Sep. Pawan Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Counter Affidavit filed by the respondents is taken on record. Rejoinder Affidavit, if any, may be filed within two weeks. List on **02.05.2022** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 413 of 2021

Sgt. Jiwan Chandra Bhatt Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Ms. Tanya, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. Counter Affidavit filed by the respondents is taken on record. Ld. Counsel for the applicant submits that applicant does not intend to file Rejoinder Affidavit. List on **01.04.2022** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 479 of 2021

Ex. Hav. Uday Pratap Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present. On the request of Shri Rajesh Shukla, Ld. Counsel appearing on behalf of respondents, two weeks further time is granted to file Counter Affidavit, as a last chance. It is made clear that if the Counter Affidavit is not filed within the time given, the opportunity shall stand closed. List on **05.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 532 of 2021

Ex. MWO Awadhesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents, two weeks further time is granted to file Counter Affidavit, as a last chance. List on **11.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 538 of 2021

Sub. Rajesh Vats Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Counter Affidavit filed by the respondents is taken on record. Rejoinder Affidavit filed by the applicant is also taken on record. List on **11.04.2022** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 574 of 2021

Rect. (Clk.) Anand Kumar Singh Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Prashant Pandey, Shri Virendra Prakash Pandey and Dr. Amit Asthana, Ld. Counsel for the applicant and Shri Jai Narayan Mishra, Ld. Counsel for the respondents are present. Rejoinder Affidavit has been filed yesterday which is taken on record. List on **06.04.2022** for final hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 198 of 2022 with M.A. No. 263 of 2022

Smt. Kausha Devi W/o Late Spr. Prem Chand Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record. Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents. Applicant has filed this Original Application for the grant of Family Pension and there being a delay of 06 years, 11 months and 26 days in filing of Original Application an application, supported with affidavit, for condonation of delay has been filed. Ld. Counsel for the applicant submits that bar of limitation is not applicable in pensionary matter. He further submits that delay in filing of Original Application is not intentional. Ld. Counsel for the respondents has vehemently opposed the prayer on the premise that delay has not been properly and satisfactorily explained. Upon hearing submissions of Ld. Counsel of both sides and considering that bar of limitation is not applicable in pensionary matter and the cause shown for the delay is sufficient, we **condone** the delay. Delay condonation application stands disposed off. **O.A. No. 198 of 2022** Matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List on **31.05.2022** at Circuit Bench, Nainital. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 199 of 2022 with M.A. No. 265 of 2022

Ex. Nk. Khushal Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Manu Kumar Mishra, Advocate on behalf of the respondents is taken on record. Heard Shri Kishore Rai, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that matter pertains to grant of War Injury Pension. There being a delay of 15 years, 02 months and 21 days in filing of Original Application an application, supported with affidavit, for condonation of delay has been filed. Ld. Counsel for the applicant submits that bar of limitation is not applicable in pensionary matter. He further submits that delay in filing of Original Application is not intentional and even if there is delay, the same has been properly and satisfactorily explained in affidavit filed in support of application. Ld. Counsel for the respondents has vehemently opposed the prayer on the premise that delay has not been properly and satisfactorily explained and no explanation of day to day delay has been offered. Upon hearing submissions of Ld. Counsel of both sides and considering that bar of limitation is not applicable in pensionary matter and cause shown for the delay is sufficient, we **condone** the delay. Delay condonation application stands disposed off. **O.A. No. 199 of 2022** Matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List on **31.05.2022** at Circuit Bench, Nainital. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 99 of 2022 Inre : O.A. No. 183 of 2021

Smt. Jasodha Devi W/o Late Ex. Sep. Har Ram Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. This application has been filed for the implementation of order dated 03.08.2021 in Original Application No. 183 of 2021. Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instruction. List on **31.05.2022** at Circuit Bench, Nainital. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 100 of 2022 Inre : O.A. No. 185 of 2014

Rfn. Lal Bahadur Gurung Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing Shri Kishore Rai, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. This application has been filed for the implementation of order dated 09.03.2021 in Original Application No. 185 of 2021. Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instruction. List on **31.05.2022** at Circuit Bench, Nainital. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 682 of 2021

Ex. HFO Man Bahadur Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents, two weeks further time is granted to file Counter Affidavit. List on **04.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 777 of 2021

Neeraj Kumar Gupta MCEA (R) – II (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present. Shri Kaushik Chatterjee, Ld. Counsel appearing on behalf of respondents submits that Counter Affidaivit is ready and may be filed within a week which is allowed. List on **31.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Diary No. 830 of 2022 Inre : O.A. (A) No. 35 of 2022

Rect. Vivek Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Defect as pointed out by the registry has been rectified. List on **01.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 192 of 2022 and M.A. No. 214 of 2022 Inre : O.A. (A) No. 91 of 2022 with M.A. No. 127 of 2022

Ex. Spr. Ajay Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 192 of 2022** Heard Col. R.K. Tripathi (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. In view of facts averred in affidavit filed in support of application, early hearing application made by the applicant is allowed. **M.A. No. 214 of 2022** By means of this application applicant wants to implead Chief Record Officer, Bengal Engineer Group Records, Roorkee, Uttarakhand as a party in the Original Application and to bring amendments in prayer clause also. Impleadment and amendments being necessary for the just decision of the case, amendment application is **allowed**. Let amendments be carried out within a week. Respondents may file objection against Bail Application within three weeks from today. List on **23.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 252 of 2022 Inre : O.A. No. 17 of 2022

Lt. Col. Mukesh Baboo through his cousin sister Gulnaz Hussain Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Rejoinder Affidavit filed by the applicant is taken on record. Heard Shri Satendra Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. List on **22.03.2022** for pronouncement of order. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 656 of 2021

Ex. Hav. Sarabjeet Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	11.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri Ashish Kumar Verma and Shri Arvind Thakur, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-