

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

O.A. No. 880 of 2021 with M.A. No. 429 of 2022 and M.A. No. 1042 of 2021

Lt. Col. Awadhesh Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Manoj Awasthi holding Brief of Shri Ajit Kakkar, learned counsel appearing for the applicant and Dr Shailendra Sharma Atal, learned Central Government Standing Counsel appearing on behalf of the respondents.</p> <p>The case is listed today for hearing on interim prayers which are as under :-</p> <ol style="list-style-type: none">(a) To set aside the order dated 08.04.2022 passed by the respondents.(b) To declare the charge sheet dated 02.01.2022 and convening order of GCM as barred by limitation under section 122 of the Indian Army Act, 1950.(c) To pass directions to the respondents to dissolve GCM proceedings against the applicant being violative of section 122 of the Indian Army Act,1950.(d) To stay the assembly of GCM till the pendency of the present OA.(e) To pass any such other order or directions as the Tribunal deems fit. <p>One more interim prayer has been made by filing a separate application today for allowing the applicant to report to his parent unit i.e. Base Hospital, Lucknow after lifting his attachment to DRC Faizabad. His contention is that despite being enlarged on bail under order of this Tribunal the applicant has not been allowed to leave DRC Faizabad.</p> <p>An objection regarding maintainability of interim prayers has been raised by the learned Central Government Standing Counsel on the premise that since charge sheet dated 02.01.2022 and order dated 08.04.2022 of the competent authority passed in regard to plea in bar are not in challenge in the instant Original Application, as in the present Original Application only tentative</p>

charge sheet dated 12.07.2019 and movement order dated 16.11.2021 have been challenged and nothing has been said about charge sheet dated 02.01.2022 and order dated 08.04.2022, any prayer in interim nature in respect of these would not be maintainable in the present proceedings.

Learned Central Government Standing Counsel further submits that instant Original Application was filed during existence of order dated 11.02.2022 of the GCM allowing plea in bar taken by the applicant under Army Rule 53 (1) (c) read with Army Act section 122. But, since after the filing of Original Application situation has completely changed after order dated 11.02.2022 being not confirmed which would mean that the said order was never in existence, the Original Application has become infructuous and should be dismissed as such.

Learned counsel appearing for the applicant, on the other hand, submits that interim prayers as claimed in the Original Application through M.A. No. 429 of 2022 and application filed today are maintainable in the present Original Application and applicant is not required to either amend the Original Application or file a separate Original Application after withdrawing the present Original Application. He submits that interim prayers should be allowed as they have been allowed by the Hon'ble Apex Court and Delhi High Court in cases of two other officers involved in the same matter namely Brig. SK Gupta (Retd.) and Brig. Anurag Khanna respectively. Copies of the orders of the Hon'ble Apex Court and Delhi High Court have been filed along with application filed today as Annexure No.-1 and Annexure No.-2.

It is a fact that Original Application was filed against tentative charge sheet dated 12.07.2019 issued against the applicant and movement order dated 16.11.2021 directing applicant to report to DRC Faizabad as he was then fearing his arrest in the garb of disciplinary proceedings. No interim order was then passed in the matter with the result applicant was taken into military custody against which an interim prayer for the grant of bail was made through M.A. No.272 of 2022 which was allowed vide this Tribunal order dated 11.03.2022. The reason for granting bail was that applicant had taken a plea in bar under Army Rule 53(1)(c) read with section 122 of the Army Act and the same had been allowed by the GCM, and despite the same applicant was not released on the plea that order was subject to confirmation by the competent authority i.e. GOC-in-Chief under Section 153 of the Army Act, 1950. The order allowing plea in bar was later disapproved by the GOC-in-Chief under section 153 of the Army Act by his order dated 08.4.2022 and GCM had been reconvened against which the interim reliefs have been claimed through application being M.A.No 429 of 2022 and the application filed today.

The cardinal principle of law is that interim relief in respect of a subject matter can only be claimed and granted when it is in challenge in the suit/application. However, if the subject matter, which in the present case is the

charge sheet dated 02.01.2022 served to the applicant and order dated 08.04.2022 of the GOC-in-chief passed during pendency of the instant Original Application in which respect interim prayers have been made, is not in challenge in the present Original Application, no relief in regard to the same can be granted unless the same is challenged. Subject matter can be challenged by making amendments in the Original Application which may be done within three weeks from today. No separate Original Application is required to be filed for the same.

In view of the aforesaid, list the matter on **30.08.2022** to allow the applicant to bring the amendments in the Original Application. In the meantime GCM proceedings shall remain in abeyance.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

O.A. No. 185 of 2022

Ex. Sub. Ajai Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents today in the Tribunal is taken on record.</p> <p style="text-align: center;">Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 499 of 2022 with M.A. No. 612 of 2022

Ex. Sep. Awadesh Kumar Singh Yadav
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-indent: 40px;">Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-indent: 40px;">Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p style="text-indent: 40px;">The Original Application has been filed with delay of 10 months and 28 days.</p> <p style="text-indent: 40px;">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-indent: 40px;">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-indent: 40px;">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-indent: 40px;">Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 499 of 2022</u></p> <p style="text-indent: 40px;">Matter needs adjudication.</p> <p style="text-indent: 40px;">Admit.</p> <p style="text-indent: 40px;">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-indent: 40px;">List the matter before Registrar on 26.08.2022 for exchange of pleadings.</p> <p style="text-indent: 40px;">List the matter before Tribunal on 12.10.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 501 of 2022 with M.A. No. 613 of 2022

Ex. MWO Surendra Nath Yadav
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri R. Chandra , Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 16 days only.</p> <p>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>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>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>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 501 of 2022</u></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 26.08.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 12.10.2022.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 502 of 2022 with M.A. No. 614 of 2022

Ex. Gdr. Nek Pal 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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p>There is a delay of more than 18 years in filing of Original Application regarding which an application for condonation of delay has been filed.</p> <p>In affidavit filed in support of delay condonation of application applicant has stated that pension is continuing right, wherein law of limitation is not applicable as it is a recurring cause of action.</p> <p>During the course of hearing Ld. Counsel for the applicant submitted that he wants to file a Supplementary Affidavit in support of delay condonation application.</p> <p>Let Supplementary Affidavit be filed within three weeks. List on 02.09.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 503 of 2022 with M.A. No. 615 of 2022

Ex. JWO (MACP) Suresh Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Bipin Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">There is a delay of 16 days in filing of Original Application.</p> <p style="text-align: justify;">Ld. Counsel for the applicant submits that delay in filing of Original Application is not intentional, but for the reasons stated in affidavit filed in support of application.</p> <p style="text-align: justify;">The Ld. Counsel for the respondents has vehemently opposed the prayer on the ground that delay has not been properly and satisfactorily explained.</p> <p style="text-align: justify;">Considering the facts averred in affidavit we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 503 of 2022</u></p> <p style="text-align: justify;">Matter needs adjudication. 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 26.08.2022 for exchange of pleadings. List the matter before Tribunal on 12.10.2022.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="text-align: center;"><p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p></div><div style="text-align: center;"><p>(Justice Umesh Chandra Srivastava) Member (J)</p></div></div> <p style="margin-top: 10px;">AKD/-</p>

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

O.A. No. 524 of 2ih M.A. No. 635 of 2022

Col. Jai Prakash Singh (Retd.)
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 03 years and 17 days.</p> <p>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>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>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>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 524 of 2022</u></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 26.08.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 12.10.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

Ex. A. No. 208 of 2022 Inre : O.A. No. 464 of 2021

Ex. Nk. Desh Raj 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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Pushendra Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Pushendra Mishra, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 29.11.2021 of this Tribunal in Original Application No. 464 of 2021. By means of order respondents have been directed to grant second service pension of DSC from the date of discharge.</p> <p>Submission of Ld. Counsel for the applicant is that despite the order in execution being dated 29.11.2021 the same has not yet been complied with.</p> <p>Ld. Counsel for the respondents seeks for and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p>List on 19.09.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

Ex. A. No. 214 of 2022 Inre : O.A. No. 500 of 2021

Ex. Hav. Bhola Prasad Yadav
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Kaushik Chatterjee, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 23.03.2022 of this Tribunal in Original Application No. 500 of 2021.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction and to file affidavit of compliance.</p> <p>List on 19.09.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

T.A. No. 15 of 2022 with M.A. No. 520 of 2022

Ex. MWO (FHO) Keshav Dev Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Devendra Kumar, Ld. Counsel appearing for the applicant and Shri Shyam Singh, Ld. Counsel appearing for the respondents.</p> <p>The case has been received by transfer from Armed Forces Tribunal, Principal Bench, New Delhi and it pertains to grant of disability pension. There being delay in filing of application, delay condonation application has been filed.</p> <p>Ld. Counsel for the respondents submits that he has no copy of paper-book.</p> <p>Ld. Counsel for the respondents has no objection in supply of copy of paper-book to the Ld. Counsel for the respondents.</p> <p>Let copy of paper-book be supplied within a week, thereafter, matter be listed on 12.08.2022 for hearing on delay condonation application.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

T.A. No. 16 of 2022 with M.A. No. 521 of 2022

Ex. HFL Jai Narayan Katiyar
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Devendra Kumar, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>The case has been received by transfer from Armed Forces Tribunal, Principal Bench, New Delhi and it pertains to grant of disability pension. There being delay in filing of application, delay condonation application has been filed.</p> <p>Ld. Counsel for the respondents submits that he has no copy of paper-book.</p> <p>Ld. Counsel for the respondents has no objection in supply of copy of paper-book to the Ld. Counsel for the respondents.</p> <p>Let copy of paper-book be supplied within a week, thereafter, matter be listed on 12.08.2022 for hearing on delay condonation application.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

T.A. No. 17 of 2022

Ex. HFO Radharaman Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Shri Devendra Kumar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">The case has been received by transfer from Armed Forces Tribunal, Principal Bench, New Delhi wherein applicant has made prayer for the grant of disability pension.</p> <p style="text-align: justify;">Ld. Counsel for the respondents submits that he has no copy of paper-book.</p> <p style="text-align: justify;">Ld. Counsel for the respondents has no objection in supply of copy of paper-book to the Ld. Counsel for the respondents.</p> <p style="text-align: justify;">Let copy of paper-book be supplied within a week.</p> <p style="text-align: justify;">List on 12.08.2022.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

T.A. No. 18 of 2022

Ex., MWO Govind Narayan Mishra
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Rajesh Shukla, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Shiv Narayan Kaushal, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p>The case has been received by transfer from Armed Forces Tribunal, Principal Bench, New Delhi wherein applicant has made prayer for the grant of disability pension.</p> <p>Ld. Counsel for the respondents submits that he has no copy of paper-book.</p> <p>Ld. Counsel for the respondents has no objection in supply of copy of paper-book to the Ld. Counsel for the respondents.</p> <p>Let copy of paper-book be supplied within a week.</p> <p>List on 17.08.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

Diary No. 1119 of 2022

Ex. Hav. Ashok Kumar

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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing no one is present on behalf of the applicant nor the steps have been taken.</p> <p style="text-align: center;">Shri Ram Saran Awasthi, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Steps must be taken within a week failing which Application may be dismissed for non-prosecution.</p> <p style="text-align: center;">List on 01.08.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

Ex. A. No. 36 of 2021 Inre : O.A. No. 751 of 2020

Sub. Abdhesh Kumar Giri
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the applicant, a week further time is granted to file objection.</p> <p style="text-align: center;">List on 22.07.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 44 of 2021 Inre : O.A. No. 493 of 2019

Ex. Sep. Pradip Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Ld. Counsel for the respondents submits that cost imposed on respondents has been deposited. She further submits that Government Sanction is still awaited.</p> <p>Affidavit of compliance be filed within four weeks.</p> <p>List on 29.08.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

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

Ex. MCPO AOF II Phool 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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant, Shri Rajiv Pandey, Ld. Counsel for the respondent Nos. 1 to 4 assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p>An affidavit of compliance has been filed today in the Tribunal by the respondent Nos. 5 and 6 which is taken on record.</p> <p>Ld. Counsel for the applicant wants to file objection.</p> <p>Let it be filed within two weeks.</p> <p>Since affidavit of compliance has been filed, physical appearance of respondent Nos. 5 and 6 is dispensed with.</p> <p>List on 22.08.2022.</p> <p>Registry is directed to reflect the name of Mohd. Zafar Khan, Advocate as Counsel for the respondent Nos. 5 and 6 when the case is listed next.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 82 of 2022 Inre : O.A. No. 508 of 2019

Smt. Kalinder Devi alias Kalindi Devi
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Heard Shri Manoj Kumar Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This is an application for implementation of order dated 29.09.2021 in Original Application No. 508 of 2019 by which respondents have been directed to grant family pension to the applicant from the date of death of her husband with immediate effect.</p> <p style="text-align: justify;">Ld. Counsel for the applicant states that the order has not yet been complied with to which the submission of Ld. Counsel for the respondents is that despite being asked time and again to provide the status of Criminal Appeal pending against the husband of applicant, the same has not been provided.</p> <p style="text-align: justify;">The reason given for non-implementation of the order is not acceptable, more so when the applicant's husband was in receipt of service pension till his death and after his death the applicant is entitled to receive family pension despite pendency of Criminal Appeal. Respondents are, therefore, directed to implement the order without fail within four weeks failing which the officer responsible for implementation of order shall remain physically present in Tribunal to explain the reason why necessary action be not taken against him for non-compliance of the order.</p> <p style="text-align: justify;">List on 29.08.2022.</p> <p style="text-align: justify;">Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell forthwith for compliance.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

Ex. A. No. 118 of 2022 Inre : O.A. No. 4 of 2020

Ex. Rect. Tapas Kumar Adak
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Abhinav Bhattacharya and Shri Abhijeet Mukherjee, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents submits that four weeks further time be granted to file affidavit of compliance, which is allowed.</p> <p>List on 30.08.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 414 of 2021

Smt. Usha Devi M/o Late AC Satyam Aarya

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
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed, two weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on 17.08.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 638 of 2021

Ex. Sgt. Rajeev Kumar
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents today in the Tribunal is taken on record.</p> <p style="text-align: center;">Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 665 of 2021

Ex. NC (E) Uma Shankar Yadav
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">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.</p> <p style="text-align:justify">Ld. Counsel for the respondents prays for and is granted two weeks and, no more, time to file Counter Affidavit.</p> <p style="text-align:justify">List on 29.07.2022.</p> <p style="text-align:justify">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 743 of 2021

Smt. Ambiya Khatoon
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondent Nos. 1 to 4.</p> <p style="text-align: center;">Notice sent to respondent No. 6 has been received undelivered with remarks that "respondent No. 6 has refused to take the same", hence, service is held sufficient on her. Since she has not put in her appearance the Original Application shall proceed exarate against her.</p> <p style="text-align: center;">Notices sent to respondent Nos. 7 to 9 have been received undelivered with remarks "their houses remain closed". This shows that they are avoiding service of notice and in this circumstances service of notice on them is also held sufficient. They have not turned up to contest the case, therefore, Original Application shall proceed exparte against them.</p> <p style="text-align: center;">Ld. Counsel for the respondent Nos. 1 to 4 submits that after complaint regarding Divorce of applicant being received from respondent Nos. 6 and 7 a letter has been written to the District Magistrate and concerned District Soldier Welfare Board to investigate the genuineness of Divorce Certificate. His submission is that no report in the matter has been received as yet.</p> <p style="text-align: center;">Respondents are directed to issue reminders to obtain report within four weeks without fail.</p> <p style="text-align: center;">List on 12.09.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 30 of 2022

Ex JWO Shabuddin
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Dr. Abhay Kant Upadhyay, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted 2 days time to file counter affidavit.</p> <p style="text-align: center;">List on 14.07.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>

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

O.A. No. 81 of 2022

Cpl R S Deo By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ajeet Yadav and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted three weeks time to file counter affidavit.</p> <p style="text-align: center;">List on 22.08.2022.</p> <table style="width: 100%; text-align: center;"><tr><td style="width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 97 of 2022

Ex JWO Ramakant 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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">Learned counsel for the respondents prays for and is granted 2 days time to file counter affidavit.</p> <p style="text-align:center">List on 14.07.2022.</p> <table style="width:100%; margin-top:20px;"><tr><td style="width:50%; text-align:center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width:50%; text-align:center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 212 of 2022 with M.A. No. 205 of 2022

Ex Hav Kadar Nath Shukla
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri VK.Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>The applicant has filed this application under Section 14 of the Armed Forces Tribunal Act, 2007 for quashing his discharge from 01.12.2002 and notionally reinstates him in service till completion of terms of engagement of 28 years with all consequential benefits.</p> <p>There is delay of about 20 years in filing Original Application.</p> <p>Submission of learned counsel for the applicant is that applicant was discharged from service in low medical category. Similarly situated persons are getting benefits in all respect after about 14 years of discharge from service. Delay and latches have no meaning in such types of cases because the cause of action is recurring cause of action and same is arising day by day. In the case of continuing wrong and injury, the delay or latches is of no</p>

consequence. Therefore, each wrong gives rise to a separate cause of action for the victim. The applicant cannot be deprived from his legal and rightful claim of pension on the ground of delay and laches.

He further submitted that delay in filing Original Application is not deliberate and intentional. His further submission is that applicant is a senior citizen and does not know about the law. He was in financial hardship, hence he could not approach the Tribunal in time. Thus, his submission is that delay is not deliberate, but for the reasons stated above.

Learned counsel for the respondents has vehemently opposed the prayer saying there being an inordinate delay of about 20 years and the same being not properly and satisfactorily explained, delay is not liable to be condoned. Applicant has filed instant Original Application against order of discharge and not for grant of pension. The applicant is already getting service pension. Such a long delay in case of discharge is not condonable without proper reason.

Having heard the submissions of learned counsel of both sides.

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

Armed Forces Tribunals were established in the year 2007, even then the applicant did not approach the Tribunal. He moved the representation for the first time after about 15 years of the

establishment of the AFT.

Learned counsel for the applicant has tried to justify the aforesaid delay on compelling reason of paucity of funds. He has, however, failed to explain the delay in moving the application after about 20 years. Discharge from service is not a recurring cause of action. The cause of action in the instant case started from the date of discharge from service. He moved a belated application for redressal of his grievance.

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

22 Limitation. —

(1) The Tribunal shall not admit an application—

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

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

(c) in a case where the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which jurisdiction, powers and authority of the Tribunal became exercisable under this Act, in respect of the matter to which such order relates and no proceedings for the redressal of such grievance had been commenced before the said date before the High Court.

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

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

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

There is absolutely no explanation on record as to why the applicant did not approach the competent Army authorities for redressal of his grievance within the prescribed period of limitation. In view of the settled proposition of law, as laid down by the Hon'ble Apex Court in *Mewa Ram (Deceased by L.Rs) & Ors v. State of Haryana, AIR 1987 SC 45*, *State of Nagaland v. Lipok AO & Ors, AIR 2005 SC 2191* and *D. Gopinathan Pillai v. State of Kerala & Anr, AIR 2007 SC 2624*, the applicant was under obligation to give cogent and valid reasons for the delay. Time and again it has been held by the Hon'ble Apex Court that if the law provides for a limitation, it is to be enforced even at the risk of hardship to a particular party, as the Judge cannot, on applicable grounds, enlarge the time allowed by law, postpone its operation or introduce

exceptions not recognised by law. The law of limitation has to be applied with all its rigour. The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play. We are, therefore, not inclined to accept such a plea as raised by the applicant, which is wholly unjustified and cannot furnish any ground for ignoring delay and laches. **(Vide *General Fire and Life Assurance Corporation Ltd v. Janmahomed Abdul Rahim*, AIR 1941 PC 6, *P.K. Ramachandran v. State of Kerala & Anr*, AIR 1998 SC 2276, *Esha Bhattacharjee v. Raghunathpur Nafar Academy & Ors*, (2013) 12 SCC 649, *Basawaraj v. Land Acquisition Officer*, (2013) 14 SCC 81, *State of Karnataka & Ors v. S.M. Kotrayyqa & Ors* (1996) 6 SCC 267, *Jagdish Lal & Ors v. State of Haryana and Ors*, AIR 1997 SC 2366 and *M/s Rup Diamonds & Ors v. Union of India and Ors*, AIR 1989 SC 674.**

Thus, a plain reading of the aforesaid judgments show that the court before condoning the delay, must be satisfied that the applicant has sufficient cause for not making the application within such period. Admittedly, in this case applicant was discharged from service in the year 2002 and thereafter he remained silent and for the first time in the year 2022 applicant approached the Tribunal. This delay of 20 years could not be explained by the applicant. Such a long period cannot be treated to be a reasonable period. If the period of limitation is taken from the date of filing of application, then it would simply make Section 22 of the AFT Act, 2007 meaningless because in that circumstances, any administrative Act

of the Armed Forces shall not attain finality. The purpose of provision of limitation is to give finality to the orders passed by the authority. Until and unless the applicant satisfies the Tribunal that he was not in a position to come before the Tribunal within time due to certain unavoidable circumstances, such huge delay cannot be condoned. In the instant case, the applicant has utterly failed to satisfy us on this point.

We have noticed that applicant never challenged the discharge order before the competent authority or before the court of law by way of appeal/writ and even applicant never represented his cause for reinstatement in service for a considerable long period of more than 20 years. If the applicant would have represented his case for reinstatement in service, court of law would have resorted his grievance. There being an inordinate delay of more than 20 years and the same being not properly explained, we do not find any sufficient reason to condone the same. Case law relied upon by the applicant is based on different fact and circumstances.

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

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

is hereby **dismissed**.

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

(Vice Admiral Abhay Raghunath Karve)
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

O.A. No. 231 of 2022

Ex Hav Munesh Kumar
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Capt Priyanka Rathore Departmental Representative for the respondents are present.</p> <p style="text-align:justify">As prayed by Departmental Representative, list on 29.07.2022.</p> <p style="text-align:justify">In the meantime, learned counsel for the respondents shall file counter affidavit.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 232 of 2022

Ex Hav Jai Prakash By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">Learned counsel for the respondents prays for and is granted 2 days time to file counter affidavit.</p> <p style="text-align:center">List on 23.08.2022.</p> <table style="width:100%; border:none;"><tr><td style="width:50%; text-align:center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width:50%; text-align:right;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 233 of 2022

Ex Hony Sub Maj Ajay Kumar
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On case being taken up for hearing, Shri Namit Sharma, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">No one is present on behalf of applicant.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted two days time to file counter affidavit.</p> <p style="text-align: center;">List on 14.07.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>

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

O.A. No. 235 of 2022

Air Cmde (Dr) JK Sahu (Retd)
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">On the case being taken up for hearing Shri Shailendra Kumar Singh holding brief of Wg.Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">Learned counsel for the respondents prays for and is granted two weeks further time to file counter affidavit.</p> <p style="text-align:center">List on 17.08.2022.</p> <table style="width:100%;"><tr><td style="width:50%; text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width:50%; text-align:center">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 238 of 2022

Ex Hav Gopesh Kumar
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri KP Datta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted two weeks further time to file counter affidavit.</p> <p style="text-align: center;">List on 29.07.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 295 of 2022 with M.A. No. 339 of 2022

Ex Nk (TS) Raju 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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing applicant Ex Nk Raju Singh is present in person.</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is also present.</p> <p>Objection against delay condonation application filed by the respondents is taken on record.</p> <p>Applicant submits that he wants to change his counsel, two weeks time be granted which is allowed.</p> <p>List on 17.08.2022.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

R.A. No. 51 of 2022 Inre O.A. No. 866 of 2021

Col. (TS) Eftekhar Ali Khan (Retd)
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri BL Verma, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 202 of 2012

Vijay Kant Shukla

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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri MK Awasthi, holding brief of Shri Rohit Kumar, Ld. Counsel for the applicant and Shri asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant, list on 22.09.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 217 of 2017

Brijesh Kumar Pandey
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for adjournment of the case on the ground that original documents pertaining to case are not available today.</p> <p>List on 13.10.2022.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 271 of 2017

Chintamani 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		
	<p><u>11.07.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:center">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">As prayed by learned counsel for the applicant, list on 19.09.2022.</p> <p style="text-align:center">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <table border="0" style="width:100%"><tr><td style="width:50%; text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width:50%; text-align:center">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="text-align:left">UKT/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 549 of 2018

Ex Hav Suryabhan
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>No one is present on behalf of applicant.</p> <p>List on 20.09.2022.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 582 of 2020

Ex Rfn Chandra Bahadur	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
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Raj Kumar Mishra is present and he submits that he will file vakalatnama on behalf of applicant within two weeks.</p> <p style="text-align: justify;">Shri R.C. Shukla, Ld. Counsel for the respondents is also present.</p> <p style="text-align: justify;">List on 14.10.2022.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <p>UKT/-</p>

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

O.A. No.209 of 2021

Ex Nk Vinod 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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri MK Awasthi, holding brief of Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 22.09.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

O.A. No. 389 of 2021

Ex Gnr Kaleshwar Sah
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><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri MK Awasthi, holding brief of Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 22.09.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

Ex A No 02 of 2020 Inre O.A. No 289 of 2016

Nb Sub Radhey Shyam Sharma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>11.07.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Capt Priyanka Rathore, Departmental Representative for the respondents are present.</p> <p>As prayed by the respondents, list on 13.07.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>