



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

**O.A. No. 814 of 2022 with M.A. No. 1008 of 2022**

**Ex. Sub. Ram Sanehi Uttam**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Arvind Kumar Pandey, 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 Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>There is a delay of 14 years, 07 months and 15 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 814 of 2022</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>30.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>21.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 815 of 2022 with M.A. No. 1009 of 2022**

**Ex. Craftman (Vehicle Mechanic) Rajesh Kumar Awasthi**                      Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Namit Sharma, 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: center;">Heard Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">There is a delay of 29 years, 02 months and 13 days in filing of Original Application.</p> <p style="text-align: center;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 815 of 2022</u></b></p> <p style="text-align: center;">This Original Application has been filed for the grant of disability pension from the date of discharge i.e. 17.12.1995.</p> <p style="text-align: center;">It is pleaded that applicant was discharged on 17.12.1995 being an undesirable soldier. At the time of discharge applicant was in low medical category, however, no disability pension claim was allowed to him, as a result he filed Original Application in this Tribunal directing respondents to grant disability pension to him which was allowed and respondents were directed to hold Re-Survey Medical Board (RSMB) of the applicant to assess his disability. In the RSMB applicant's disability has been assessed @30% for which he has been allowed disability pension at the same rate with benefit of rounding off to 50% from the date of RSMB. Applicant's contention is that disability pension should be allowed to him not from the date of RSMB, but from the date he was discharged from service.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that since applicant has been discharged from service not due to being in low medical category, but being an undesirable soldier, he is not entitled to disability pension from the date of discharge.</p>

Case needs adjudication.

Admit.

Issue notice to the respondents.

Shri Namit Sharma, Advocate has accepted notice on behalf o the respondents, hence service of notice is waived.

Respondents may file Counter Affidavit within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any.

List the matter before Registrar on **30.11.2022** for exchange of pleadings.

List the matter before Tribunal on **21.12.2022**.

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

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

AKD/-

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

**O.A. No. 816 of 2022 with M.A. No. 1010 of 2022**

**Ex. Hav. Jagmohan Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Sunil Sharma, 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 Raj Kumar Mishra, Lt. Col. Nidhikant Dhyani (Retd.), Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed against the order dated 04.05.2022 of respondent No. 3 by which applicant’s legal notice has been rejected. The applicant has been discharged from serving on 07.07.1994 being an undesirable soldier.</p> <p>There being a delay of 25 years, 08 months and 25 days in filing of Original Application an application for condonation of delay has been filed praying therein to condone the delay in filing of Original Application.</p> <p>Ld. Counsel for the respondents prays for and is granted two weeks time to file objection against delay condonation application.</p> <p>List on <b>09.11.2022.</b></p> <p style="display: flex; justify-content: space-between;"><span><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</span><span><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>



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**O.A. No. 818 of 2022 with M.A. No. 1012 of 2022**

**WO Manoj Kumar 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><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-indent: 40px;">Memo of Appearance filed by Shri Rajesh Kumar Singh Chauhan, 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 Abhay Kant Upadhyay, Shri Raj Kumar Mishra and Ms. Upasna Mishra, Ld. Counsel for the applicant and Shri Rajesh Kumar Singh Chauhan, Ld. Counsel for the respondents.</p> <p style="text-indent: 40px;">There is a delay of 01 year, 02 months and 07 days in filing of Original Application.</p> <p style="text-indent: 40px;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 818 of 2022</u></b></p> <p style="text-indent: 40px;">Matter needs adjudication. 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 <b>30.11.2022</b> for exchange of pleadings.</p> <p style="text-indent: 40px;">List the matter before Tribunal on <b>21.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p style="text-align: left; margin-left: 0px;">AKD/-</p>

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**E-Court**

**O.A. No. 819 of 2022**

**Lt. Col. Yashendra Pratap Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Amit Jaiswal, 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 Shailendra Kumar Singh and Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed against order dated 30.08.20022 of respondent No. 1 by which applicant's Statutory Complaint regarding empanelment in No. 3 Selection Board for promotion to the rank of Colonel has been rejected.</p> <p>It is submitted by the Ld. Counsel for the applicant that Statutory Complaint preferred by the applicant was wrongly rejected by the respondents as a result officers junior to the applicant were promoted.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Issue notice to the respondents.</p> <p>Shri Amit Jaiswal, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived.</p> <p>Respondents may file Counter Affidavit within four weeks.</p> <p>List on <b>15.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>







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**Ex. A. No. 318 of 2022 Inre : O.A. No. 239 of 2021**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">On the case being taken up for hearing Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">This application has been filed for implementation of order dated 19.07.2022 of this Tribunal in Original Application No. 239 of 2021 by which respondents have been directed to grant disability pension to the applicant @30% to be rounded off to 50% for two years from the date of discharge with further direction to conduct Re-Survey Medical Board (RSMB) for the applicant to assess his disability for entitlement of disability pension within a period of four months from the date of order.</p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that the order has not yet been complied with.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p style="text-align: center;">List on <b>09.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**Ex. A. No. 134 of 2018 Inre : O.A. No. 123 of 2010**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Shri G.S. Sikarwar, Ld. Counsel appearing for the respondents submits that compliance of the order is still in progress, four weeks further time be granted to file affidavit of compliance, which is allowed.</p> <p style="text-align: center;">List on <b>09.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**Ex. A. No. 78 of 2021 Inre : O.A. No. 742 of 2020**

**Ex. Sep. Jitendra Kumar Saroj**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>An affidavit of compliance has been filed by the respondents, which is taken on record.</p> <p>Ld. Counsel for the respondents submits that in compliance to order PPO has been generated. Copy of PPO has been filed along with affidavit of compliance.</p> <p>Ld. Counsel for the applicant submits that there is no mention of interest in the PPO nor Re-Survey Medical Board of the applicant has been held.</p> <p>In regard to interest, Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj submits that in PPO issued by the SPARSH interest is not mentioned, through it is paid by the concerned Pension Disbursing Authority in view of Government approval. In the instant case, he submits that Government approval regarding payment of interest has been obtained and it will be paid to the applicant during the payment of arrears.</p> <p>As per applicant, nothing has been credited in applicant's account till date.</p> <p>List on <b>17.11.2022</b>.</p> <p>On the next date fixed, applicant will produce updated pass-book of his pension account for perusal of the Bench.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</b> <b>Member (A) Member (J)</b></p> <p>AKD/-</p>

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**Ex. A. No. 87 of 2021 along with R.A. No. 35 of 2022 (Decided)**  
**Inre : O.A. No. 296 of 2021**

**Ex. Spr. Rashpal Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ashok Singh, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents assisted by Maj. Tejas, Departmental Representative for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that since all original documents pertaining to the applicant have been destroyed, Review Application was filed by the respondents to review the order directing respondents to decide applicant's Statutory Complaint. It is further submitted that Review Application has been dismissed on 30.03.2021. Thereafter, he has not received any instruction regarding implementation of the order. Thus, he seeks four weeks further time to seek instruction and to file affidavit of compliance.</p> <p>Affidavit of compliance must be filed within four weeks failing which the officer responsible for implementation of the order shall remain physically present in Tribunal on the next date fixed to explain reasons why necessary action be not taken against him for non-compliance of the order.</p> <p>List on <b>09.12.2022</b>.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

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

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that Re-Survey Medical Board of the applicant has been held in November, 2021. Thereafter, the case file of the applicant has been processed for obtaining Government Sanction, which is presently with Infantry Directorate, Integrated Headquarters of Ministry of Defence (Army), New Delhi. Thus, he seeks four weeks further time to file affidavit of compliance, which is allowed subject to payment of Rs.5,000/- as cost to the applicant.</p> <p style="text-align: center;">List on <b>09.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>









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**E-Court**

**Ex. A. No. 128 of 2022 Inre : O.A. No. 139 of 2021**

**Smt. Birmo Devi W/o Late Ex. Sep. (EBR) Prem Raj** 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><b><u>11.10.2022</u></b>  <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Pushpendra Kumar Dhaka and Shri Ramakant Gupta, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that since the Government Sanction is still under consideration, four weeks further time be granted, which is allowed.</p> <p style="text-align: center;">List on <b>12.12.2022</b>.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>     <b>(Justice Umesh Chandra Srivastava)</b>            Member (A)     Member (J)         </p> <p>AKD/-</p>

Form No. 4  
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Ex. A. No. 140 of 2022 Inre : O.A. No. 420 of 2021

**Ex. Sub. Rajiv 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
	<p><u>11.10.2022</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 Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that Government Sanction is still awaited, further time be granted to file affidavit of compliance.</p> <p>Let affidavit of compliance be filed within three weeks.</p> <p>List on <b>09.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
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**Ex. A. No. 168 of 2022 Inre : O.A. No. 216 of 2021**

**Ex. Nk. Sheo Mohan Lal** Applicant  
By Legal Practitioner for the Applicant  
**Versus**  
**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that in compliance to order PPO has been generated on 11.07.2022.</p> <p>Ld. Counsel for the applicant submits that recovery of Rs.6,90,065/- has been shown in the PPO.</p> <p>Respondents to file affidavit of compliance stating the reason for recovery of Rs.6,90,065/- as shown in the PPO within a period of two weeks.</p> <p>List on <b>30.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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**Ex. A. No. 169 of 2022 Inre : Ex. A. No. 107 of 2019 Inre : O.A. No. 226 of 2014**

**Ex. Sub./ Radhey Shyam Upadhya**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">Ld. Counsel for the respondents submits that Government Sanction in the matter has been accorded on 29.09.2022 and thereafter the case has been processed to PCDA (P), Prayagraj for generation of PPO. Thus, he sought four weeks time to file affidavit of compliance, which is allowed.</p> <p style="text-align:center">List on <b>13.12.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**Ex. A. No. 213 of 2022 Inre : O.A. No. 166 of 2021**

**Ex. Hav. Ramesh Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that Government sanction is still awaited, four weeks further time be granted to file affidavit of compliance, which is allowed.</p> <p style="text-align: center;">List on <b>13.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>





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

**Ex. A. No. 220 of 2022 Inre : O.A. No. 300 of 2021**

**Ex. HFO/MWO Girija Shanker Rai**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Affidavit of compliance has been filed by the respondents, which is taken on record.</p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that in compliance of the order PPO has been generated. Copy of PPO has been filed along with affidavit of compliance.</p> <p style="text-align: center;">In response, Ld. Counsel for the applicant submits that Execution Application may be disposed off being order complied with.</p> <p style="text-align: center;">Accordingly, Execution Application is <b>dismissed</b> being infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 221 of 2022 Inre : O.A. No. 688 of 2021**

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

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that case file of the applicant has been processed for Government Sanction after leave to appeal being dismissed in the last week of September, 2022. Thus, four weeks further time be granted to file affidavit of compliance, which is allowed.</p> <p>List on <b>01.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>                                      <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 265 of 2022 Inre : O.A. No. 640 of 2021**

**Ex. Nk. Jagpal singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that case file of the applicant has been processed for implementation of the order after Leave to Appeal being dismissed on 15.09.2022. Thus, four weeks further time has been sought to file affidavit of compliance, which is allowed.</p> <p>List on <b>01.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 267 of 2022 Inre : O.A. No. 588 of 2021**

<p><b>Ex. Sep. Vijay Pal Singh</b> By Legal Practitioner for the Applicant</p>	<p>Applicant</p>
<b>Versus</b>	
<p><b>Union of India &amp; Others</b> By Legal Practitioner for Respondents</p>	<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b>  <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents assisted by Major Sini Thomas, Departmental Representative and Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p style="text-align: justify;">Affidavit of compliance filed by the respondents is taken on record.</p> <p style="text-align: justify;">It is submitted by Major Sini Thomas, Departmental Representative for the respondents that PPO has been generated on 28.09.2022.</p> <p style="text-align: justify;">Let PPO be brought on record within two weeks.</p> <p style="text-align: justify;">List on <b>16.11.2022</b>.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> </div> <div style="text-align: center;"> <p><b>(Justice Umesh Chandra Srivastava)</b> 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  
E-Court**

O.A. No. 95 of 2022

<b>Ex. Rect. Ravindra Yadav</b> By Legal Practitioner for the Applicant	Versus	Applicant
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents		Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: justify;">Ld. Counsel for the applicant prays for and is granted a week time to file Rejoinder Affidavit.</p> <p style="text-align: center;">List on <b>01.12.2022</b>.</p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: justify;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p style="text-align: left; font-size: small;">AKD/-</p>

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

R.A. No. 89 of 2022 with M.A. No. 1040 of 2022 Inre : O.A. No. 47 of 2021

Union of India & Others  
By Legal Practitioner for the Applicants

Review Applicants

Versus

Ex. Sub. (Clk SD) Gaikwad Sayaji Dadaso  
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">The file has been placed before us by Circulation.</p> <p><b><u>M.A. No. 1040 of 2022</u></b></p> <p>For the reasons stated in affidavit filed in support of delay condonation application, delay of 06 months and 02 days in filing of Review Application is <b>condoned</b>. Delay condonation application stands disposed off accordingly.</p> <p><b><u>R.A. No. 89 of 2022</u></b></p> <p>The applicants – Union of India &amp; Others have filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicants have prayed for review and setting aside the judgement and order dated 03.09.2021 of this Tribunal in Original Application No. 47 of 2021 by mean of which Original Application has been allowed and applicant (respondents in Original Application) have been directed to grant disability element @50% (30% + 20%) for life with benefit of rounding off to @75% for life from the next date of respondent's (applicant in Original Application) discharge .</p> <p>The Review Application has been filed <i>inter alia</i> on the ground that this Tribunal while deciding the Original Application did not consider the matter of fact that composite disabilities of the applicant @50% for life have been regarded as NANA by the RMB and that this Tribunal did not consider the fact that computation of composite assessment of disabilities has been done on the basis of letter dated 14.12.2009 issued by Director General of Inf/Inf-9, General Staff Branch, Sena Bhawan, Integrated Headquarters of Ministry of Defence (Army).</p> <p>It is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed.</p> <p>For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-</p> <p style="text-align: center;"><i>"1. Application for review of judgment.- (1) any person considering himself aggrieved-</i></p>

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,  
(b) by a decree or order from which no appeal is allowed, or  
(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”

In view of the principles of law laid down by the Hon’ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon’ble Supreme Court in Para 9 of its judgment in the case of **Parsion Devi and others vs. Sumitri Devi and others**, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

*“9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."*

Further, the Hon’ble Supreme Court in Para 26 of its judgment in the case of **S. Madhusudhan Reddy Versus V. Narayana Reddy and Others**, Civil Appeal Nos. 5503-04 of 2022, decided on 18.08.2022, has observed as under :-

*“26. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court’s jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason sufficient on grounds, at least analogous to those specified in the rule”*

In the light of the legal position crystalized above, we have gone through the judgment and order sought to be reviewed and no illegality or irregularity or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

In the result, Review Application is **rejected**.

**(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**  
**E-Court No.1**

**O.A. No 398 of 2018**

**Lt Col CN Tembe (Retd) & Others**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Arun Kumar and Col RA Pandey (Retd), Ld. Counsel for the applicant and Shri .RC Shukla, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that the case referred in the matter of Maj Tarlok Singh, O.A. No 90 of 2014 decided on 25.05.2017 is still pending for consideration before the Hon'ble Apex Court.</p> <p>List on <b>28.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>UKT/-</p>

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

O.A. 272 of 2019

**Sandeep Kumar 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><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Pratyush Chaube, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Similar matter is pending before the larger Bench.</p> <p>List on <b>14.11.2022.</b></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**  
**E-Court No.1**

**O.A. No. 330 of 2020**

**Ex. Hav. Gajendra Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>11.10.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, Shri Pankaj Kumar Shukla and Shri Ashish Kumar Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>Matter needs physical hearing.</p> <p>List on <b>09.12.2022</b> for physical hearing.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

**O.A. No. 331 of 2020 with M.A. No. 376 of 2020**

**Lt. Col. Sandeep Sharma**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Ms. Soma Pandey and Shri Shashank Dwivedi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Similar matter is pending before the larger Bench.</p> <p>List on <b>14.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>







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

**O.A. No. 98 of 2021**

**Cpl. Sudhir Kumar Tripathi (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><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Matter needs physical hearing.</p> <p style="text-align: center;">List on <b>28.11.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 586 of 2021**

**Sub Lt. Ashish Kumar Pandey (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><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Wg. Cdr. Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Matter needs physical hearing.</p> <p>List on <b>29.11.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>                                      <b>Member (J)</b></p> <p>UKT/-</p>

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

O.A. No. 594 of 2021

**Smt. Mamta Chauhan Widow of Late Maj Virendra**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>It is submitted by learned counsel for the respondents that two weeks further time be granted to file counter affidavit which is allowed. It is clarified that in case counter affidavit is not filed within the given time, the opportunity to file the same shall be closed without any further reference.</p> <p>List on <b>01.12.2022</b> for physical hearing.</p> <p>On the date fixed respondents shall produce original documents pertaining to court of Inquiry held in the case of death of the husband of the applicant.</p> <p>Copy of this order be provided to learned counsel for the respondents for implementation.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

**O.A. No. 659 of 2021**

**Hav. Sudhir Kumar Rai**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Matter needs physical hearing.</p> <p>List on <b>03.01.2023</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>



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

**O.A. No. 821 of 2021**

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

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri V.K. Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents on the basis of instructions received states that Leave Travel Concession claim for Rs. 13,848/- has been credited in applicant's account on 17.08.2022. Thus he submits that both amounts due have been credited in applicant's account, O.A. should be dismissed being infructuous.</p> <p>Taking not of aforesaid facts, O.A. is <b>dismissed</b> being rendered infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>UKT/-</p>





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

**O.A. No. 21 of 2022 with M.A. No. 26 of 2022**

**Sub (PA) ASH Mohammad Khan**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Matter relates to fixation of Basic Pay.</p> <p style="text-align: center;">It is submitted by learned counsel for the applicant that applicant's Basic Pay should be fixed at par with Hav/ PA Kultar Singh Chauhan. There is delay in filing the Original Application against which delay condonation application has been filed. Considering the fact that counter affidavit has already been filed and no objection against application for condonation of delay has been filed by the respondents, delay is condoned.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Rejoinder affidavit, if any, may be filed within two weeks.</p> <p style="text-align: center;">List on <b>02.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 38 of 2022**

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

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri K.K.Misra, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents No. 1 to 3 are present.</p> <p>No one is present on behalf of Respondent No 4 and 5. Counter affidavit on behalf of Respondent No 4 and 5 has also not been filed.</p> <p>This application has been filed by the applicant for issuing directions to Respondent No 4 and 5 to release pension of Regular Sepoy in terms of PCDA (P), Allahabad letter dated 15.07.2021 (Annexure A-5 to the O.A.).</p> <p>Learned counsel for the applicant submitted that applicant was initially enrolled in the Indian Army in JAT Regiment on 10.01.1969. He served in the Regiment till 27.12.1975 and was sent on discharge as a reservist. He was re-enrolled in DSC twice and served till 08.07.1988 and finally he was discharged from service on his own request. Thus, he rendered total 15 years and 160 days qualifying service excluding 47 days non qualifying service. Applicant is getting pension of Sepoy Reservist vide PPO No S/915/89 whereas he is entitled pension of Regular Sepoy. Learned counsel for the applicant submitted that despite directions issued by PCDA (P), Allahabad vide letter No AT/DC/PNB/CPPC/2021 dated 15.07.2021, respondent No 4 and 5 (Chief Manager, CPPC, Punjab National Bank, Allahabad and Manager,</p>

Punjab National Bank, Satwara, Bulandsahar) have not released pension of Regular Sepoy till date. Learned counsel for the applicant pleaded that respondents be directed to grant pension of Regular Sepoy in terms of PCDA (P) Allahabad letter dated 15.07.2021.

On the other hand, Learned counsel for Respondents No 1 to 3 submitted that since prayer of the applicant pertains to Respondents No 4 and 5 only, directions be issued to Respondent No 4 and 5 to grant pension of Regular Sepoy to the applicant in terms of PCDA (P), Allahabad letter dated 15.07.2021.

Respondent No 4 and 5 are directed to release payment of arrears to the applicant in terms of PCDA (P), Allahabad letter dated 15.07.2021 within two months from the date of receipt of a certified copy of this order. In case the respondents fail to give effect to this order within the stipulated time, they will have to pay interest @ 8% on the amount accrued from due date till the date of actual payment.

With the aforesaid directions, O.A. stands finally **disposed off**.

**(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**  
**E-Court No.1**

**O.A. No. 590 of 2022**

**NK (Musician) Kishan Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>In daily cause list name of Col AK Srivastava (Retd) has been shown as learned counsel for the applicant whereas applicant's counsel is Shri Rohit Kumar. The name of Shri Rohit Kumar has been shown in the column of respondents whereas respondents' counsel is Shri Yogesh Kesarwani.</p> <p>Registry is directed to reflect correct name of learned counsel of the parties in daily cause list when the case is listed next.</p> <p>Respondents have not filed counter affidavit. Let it be filed within three weeks. List after three weeks.</p> <p>List on <b>02.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>UKT/-</p>





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

**M.A. No. 1038 of 2022 Inre O.A. No. 175 of 2022**

**Hony Nb Sub Mahboob Ali**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>Matter needs physical hearing.</p> <p>List on <b>02.12.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

**M.A. No. 1039 of 2022 Inre O.A. No. 379 of 2022**

**Sub Kailash Chandra Bhatt**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri K.K.S Bisht, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p>No early hearing is possible, hence early hearing application bearing M.A. No 1039 of 2022 stands <b>disposed off</b>.</p> <p>Matter needs physical hearing.</p> <p>O.A. fixed for hearing on 17.10.2022 is re-fixed for physical hearing on 28.11.2022.</p> <p>List on <b>28.11.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

**O.A. No. 240 of 2017**

**Sinhasan Singh**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>11.10.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>Matter needs physical hearing.</p> <p>List on <b>30.11.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>







