

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

O.A. No. 254 of 2022

JWO (HFO) Sushil Kumar Dwevedi (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>12.10.2022</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>Despite several opportunities respondents have not filed Counter Affidavit, hence opportunity to file the same is closed.</p> <p>Heard Shri Raj Kumar Mishra and Shri A.K. Chaudhary, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our Judgment passed on separate sheets.</p> <p>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
E-Court

O.A. No. 253 of 2022

MWO (HFO) Rakesh Kumar (Retd.) 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>12.10.2022</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>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Raj Kumar Mishra and Shri A.K. Chaudhary, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our Judgment passed on separate sheets.</p> <p>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) (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
E-Court

O.A. No. 401 of 2022

Nk. Akhil George
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>12.10.2022</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>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Puru Mudgal, Advocate holding brief of Wg. Cdr. Ajit Kakkar, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for issuing direction to the respondents to grant premature discharge to the applicant on compassionate grounds.</p> <p>Ld. Counsel for the applicant submits that applicant was enrolled in the Army Medical Corps of the Indian Army on 23.08.2009. The applicant got married to one Josmi Elizabeth Jose on 15.07.2019. She served a Legal Notice dated 06.05.2020 to the applicant stating that if he fails to take any steps for joining her in the United Kingdom, she shall proceed for divorce. Therefore, applicant preferred an application in October, 2020 to grant premature discharge. The applicant application has been declined by the respondents vide letter dated 04.04.2021. Ld. Counsel for the applicant further submitted that applicant's wife has been facing gynaecological problems and has been advised to stay with the applicant for a minimum period of one year for the initiation of treatment. The applicant again preferred an application dated 25.0.2021 which has been again rejected vide letter dated 26.12.2021.</p> <p>Per contra, Ld. Counsel for the respondents submits that due to COVID-19 pandemic recruitment process of the Indian Army has been adversely effected which ultimately resulted in acute deficiency in various categories of Indian Army. To overcome this situation, respondents as a mitigation measure conveyed the approval regarding the ceiling on premature retirement quota on compassionate ground with respect to Junior Commissioned Officer/Other Ranks, effective till 31 March, 2023 vide letters dated 07.10.2020, 16.10.2020 and 17.11.2020.</p>

Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, and also that COVID-19 pandemic situation has now over, we hereby dispose of the Original Application finally with the direction to the respondents to reconsider the applicant's case for pre-mature retirement on compassionate ground, within a period of three months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly.

Let copy of this order be provided to the learned Counsel for the parties.

(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

O.A. No. 822 of 2022 with M.A. No. 1014 of 2022

Ex. Hav. (ACP Nb. Sub.) Shauraj 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>12.10.2022</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 style="text-align: center;">Memo of Appearance filed by Shri Ram Sharan Awasthi, 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 K.P. Datta, Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1014 of 2022</u></p> <p style="text-align: center;">Ld. Counsel for the applicant submits that this application has been filed for condoning the delay of 11 months and 14 days in filing of Original Application.</p> <p style="text-align: center;">In view of facts stated in affidavit filed in support of delay condonation application, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 822 of 2022</u></p> <p style="text-align: center;">Ld. Counsel for the applicant submits that applicant has filed this Original Application for re-fixation of his pay in the Pay Matrix Rs.46,200/- as per direction of Government of India letter dated 26.02.2019.</p> <p style="text-align: center;">Case needs adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 12.12.2022 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 31.01.2023.</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
E-Court

O.A. No. 823 of 2022 with M.A. No. 1015 of 2022

Ex. AC (U/T) Mahesh Chandra Pal
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>12.10.2022</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>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>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1015 of 2022</u></p> <p>This application has been filed praying for condoning the delay of 02 years and 19 days in filing of Original Application.</p> <p>Being a pensionary matter, delay in filing of Original Application is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 823 of 2022</u></p> <p>Ld. Counsel for the applicant submits that claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case 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 12.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 31.01.2023.</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
E-Court

O.A. No. 824 of 2022

Ex. Hav. Kheem Singh Mehra
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>12.10.2022</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>Memo of Appearance filed by Shri Rajiv Narayan 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 Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p>Matter pertains to grant of disability pension.</p> <p>Case 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 12.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 31.01.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

O.A. No. 825 of 2022 with M.A. No. 1016 of 2022

Ex. Sep./MT Hemanth Kumar B. 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>12.10.2022</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>Memo of Appearance filed by Shri Arun Kumar Sahu, 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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p>Matter pertains to grant of disability pension.</p> <p>There is a delay of 06 months and 29 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 825 of 2022</u></p> <p>Case needs adjudication. 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 12.12.2022 for exchange of pleadings. List the matter before Tribunal on 31.01.2023.</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
E-Court

O.A. No. 826 of 2022 with M.A. No. 1017 of 2022

Smt. Banarasi Devi @ Smt. Vanarasi Devi M/o Ex. Sep. Ajit Kumar Rai 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>12.10.2022</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>Memo of Appearance filed by Shri J.N. 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 Yashpal Singh, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of Ex-Gratia to the applicant.</p> <p>There is a delay of 07 years, 09 months and 10 days in filing of Original Application.</p> <p>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>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>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. 826 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 12.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 31.01.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

O.A. No. 827 of 2022 with M.A. No. 1018 of 2022

Ex. Sep./Chef (C) Lokesh Malik
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>12.10.2022</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>Memo of Appearance filed by Ms. Appoli Srivastava, 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>Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed against order dated 25.06.2016 of Summary Court Martial by which applicant has been dismissed from service being absent without leave.</p> <p>There being a delay of 03 years, 09 months and 21 days in filing of Original Application an application for condonation of delay has been filed.</p> <p>Ld. Counsel for the applicant submits that at the time of being dismissed from service applicant was not handed over the complete records of the case, as such he has submitted an application under Right to Information Act. Thereafter, certain documents were handed over to him. He further submits that delay in filing of Original Application is not deliberate.</p> <p>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>Upon hearing submissions of Ld. Counsel of both sides, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 827 of 2022</u></p> <p>Case needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on 12.12.2022 for exchange of pleadings. List the matter before Tribunal on 31.01.2023.</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
E-Court

O.A. No. 828 of 2022

MWO (HFO) Bhawan Nath Giri (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>12.10.2022</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>Memo of Appearance filed by Dr. Shesh Narayan 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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Dr. Shesh Narayan Pandey, Ld. Counsel for the respondents.</p> <p>It is submitted by the Ld. Counsel for the applicant that after 7th Central Pay Commission the Government of India has fixed 01st January and 01st July the dates for the grant of increment. Applicant retired from service on 31.12.2021 after completed one full year of service, however, no notional increment was granted to him being retired before the date of increment i.e. 01.01.2022.</p> <p>Case 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 12.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 31.01.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

O.A. No. 829 of 2022 with M.A. No. 1020 of 2022

Ex. Nk. Hari Mohan Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.10.2022</u></p> <p><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 Devesh Kumar 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 J.N. Mishra, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.</p> <p>There is a delay of 01 year and 24 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 829 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 12.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 31.01.2023.</p> <p style="display: flex; justify-content: space-around;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

O.A. No. 830 of 2022 with M.A. No. 1021 of 2022

JWO Harikeshwar Lal Srivastava (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>12.10.2022</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 style="text-align: justify;">Memo of Appearance filed by Shri Anurag 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 style="text-align: justify;">Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of notional increment for the pensionary benefit.</p> <p style="text-align: justify;">There is a delay of 03 years, 09 months and 18 days in filing of Original Application.</p> <p style="text-align: justify;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 830 of 2022</u></p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that after 7th Central Pay Commission the Government of India has fixed 01st January and 01st July the dates for the grant of increment. Applicant retired from service on 30.06.2016 after completed one full year of service, however, no notional increment was granted to him being retired before the date of increment i.e. 01.07.2016.</p> <p style="text-align: justify;">Case 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 12.12.2022 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 31.01.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

O.A. No. 831 of 2022 with M.A. No. 1022 of 2022

Ex. Sgt. Dev Raj 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>12.10.2022</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>Memo of Appearance filed by Shri Ashish 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>Heard Shri S.K. Singh and Shri Vikas Maurya, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Matter pertains for grant of disability pension.</p> <p>There is a delay of 10 years, 02 months and 23 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 831 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 12.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 31.01.2023.</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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court

O.A. No. 832 of 2022 with M.A. No. 1023 of 2022

Ex. Swr. Prayag Datt
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>12.10.2022</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 style="text-align: center;">Heard Shri Virat Anand Singh, Ld. Counsel for the applicant.</p> <p><u>M.A. No. 1023 of 2022</u></p> <p style="text-align: center;">This application has been filed praying for condoning delay of 09 years, 09 months and 27 days in filing of Original Application.</p> <p style="text-align: center;">By means of order impugned, the applicant has been discharged from service.</p> <p style="text-align: center;">Respondents may file objection, if any, against delay condonation application within two weeks.</p> <p style="text-align: center;">List on 13.12.2022.</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
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E-Court

O.A. No. 833 of 2022 with M.A. No. 1025 of 2022

WO Om Prakash Yadav (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>12.10.2022</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 style="text-align: justify;">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 style="text-align: justify;">Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of notional increment for the pensionary benefit.</p> <p style="text-align: justify;">There is a delay of 03 years, 09 months and 16 days in filing of Original Application.</p> <p style="text-align: justify;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 833 of 2022</u></p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that after 7th Central Pay Commission the Government of India has fixed 01st January and 01st July the dates for the grant of increment. Applicant retired from service on 30.06.2016 after completed one full year of service, however, no notional increment was granted to him being retired before the date of increment i.e. 01.07.2016.</p> <p style="text-align: justify;">Case 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 12.12.2022 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 31.01.2023.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(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
E-Court
O.A. No. 834 of 2022 with M.A. No. 1026 of 2022

Lt. Col. Nand Kishore 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>12.10.2022</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>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p>On the case being taken up for hearing no one is present on behalf of the applicant nor is there any mention to pass over the case.</p> <p>Applicant has filed this Original Application for issuing direction to the respondents to declare his disability 'CAD-ACS-AWMI' as either attributable to or aggravated by military service and assess the degree of disability to grant him disability pension.</p> <p>It has been pleaded that applicant was commissioned in the Army on 05.03.2014. While posted to Suragarh, Rajasthan, he suffered cardiac stroke on 03.07.2020. His Medical Board was held at 184 Military Hospital on 23.09.2020 wherein disability was held neither attributable to nor aggravated by military service. He had preferred First Appeal against the finding of Medical Board, but the same was not considered.</p> <p>Ld. Counsel for the respondents submits that applicant is still in service and Release Medical Board is held at the time of retirement and not before, therefore, Original Application should be dismissed being pre-mature.</p> <p>The averments made in the Original Application reveal that applicant is still in service. As per Rules, Release Medical Board is held at the time of retirement and in case any disability is found then it's degree is assessed and not before. It is not the case of applicant that he has retired without subjected to Release Medical Board.</p> <p>In the circumstances, it appears that Original Application has been filed in haste, it is premature. Accordingly, Original Application is dismissed.</p> <p>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
E-Court

O.A. No. 835 of 2022 with M.A. No. 1032 of 2022

Ex. Hav. Prem Chand
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>12.10.2022</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>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 Ashok Kumar, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1032 of 2022</u></p> <p>This application has been filed praying for condoning the delay of 14 years, 11 months and 19 days in filing of Original Application.</p> <p>Being a pensionary matter, delay, if any, is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 835 of 2022</u></p> <p>It is submitted by the Ld. Counsel for the applicant that respondents have wrongly denied the applicant's claim for the grant of disability pension treating disability as neither attributable to nor aggravated by military service.</p> <p>Ld. Counsel for the respondents submits that Original Application is not maintainable being filed without availing statutory remedies.</p> <p>Case 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 12.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 31.01.2023.</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
E-Court

O.A. No. 836 of 2022 with M.A. No. 1033 of 2022

Ketaki Ranjan Nath
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>12.10.2022</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 style="text-align: justify;">Memo of Appearance filed by Shri Ashish 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 Ashok Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1033 of 2022</u></p> <p style="text-align: justify;">This application has been filed for condoning the delay of 14 years, 09 months and 20 days in filing of Original Application.</p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that applicant was busy in making correspondences to the respondents regarding publication of Part-II Order of his disabled son, hence, could not file the Original Application on time.</p> <p style="text-align: justify;">The Ld. Counsel for the respondents has vehemently opposed the prayer on the premise that delay has not been properly and satisfactorily explained.</p> <p style="text-align: justify;">Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 836 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 12.12.2022 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 31.01.2023.</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
E-Court

O.A. No. 838 of 2022 with M.A. No. 1036 of 2022

Ex. Gnr. Birj Kishore Randey
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>12.10.2022</u></p> <p><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. Chet Narayan 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 Ashok Kumar, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, 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 27 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 838 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 12.12.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 31.01.2022.</p> <p>(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
E-Court

Ex. A. No. 319 of 2022 Inre : O.A. No. 740 of 2020

Ex. Nk. Rajvir

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>12.10.2022</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>Memo of Appearance filed by Ms. Preeti Mala, 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>On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p>This application has been filed seeking implementation of order dated 30.07.2021 of this Tribunal in Original Application No. 740 of 2020. By this order respondents had been directed to decide the applicant's representation dated 19.10.2018 within a period of three months from the date of order. The representation was with regard to holding Medical Board of the applicant.</p> <p>It is submitted by the Ld. Counsel for the applicant that in regard to implementation of the order, a letter dated 05.02.2022 sent by Senior Records Officer for CIC Records was received to the applicant informing him that Sanction of the Competent Authority for conducting applicant's Review medical Board at Army Hospital (R & R), Delhi Cantt. has been granted. Applicant was advised to forward passport size photograph duly attested by Zila Sainik Kalyan Board for preparation of AFMSF-15 for onward submission to Army Hospital (R & R), Delhi Cantt., which was complied with. Thereafter, applicant received a letter dated 16.07.2022 wherein it was informed to him that a call letter dated 17.05.2022 was sent to the applicant to report to Army Hospital (R & R), Delhi Cantt. for medical examination, which was returned back due to incomplete address, with the result all documents received vide letter dated 15.03.2022 were returned back unactioned.</p>

Ld. Counsel for the applicant submits that it is wrongly stated in the letter dated 16.07.2022 that a call letter sent to the applicant was returned back due to incomplete address, because that letter was also sent on same address on which letters dated 05.02.2022 and 16.07.2022 had been sent by the respondents and duly received by the applicant.

During the course of hearing, when a query was made to the Ld. Counsel for the respondents that when letters dated 05.02.2022 and 16.07.2022 sent by the respondents to the applicant have been received to the applicant, then the letter dated 17.05.2022 which was sent on the address on which above two letters were sent could be returned undelivered with remark "incomplete address", she sought two weeks time to seek instruction.

However, we are of the view that there is no need to seek instruction in the matter. More so, when Government Sanction for holding Medical Board has already been accorded and only the Medical Board is to be done. Respondents are, therefore, directed to conduct Medical Board of the applicant at the earliest within a period of two months under intimation to this Tribunal.

List on **03.01.2023**.

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

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

Ex. A. No. 320 of 2022 Inre : O.A. No. 607 of 2021

Ex. MWO Rajesh 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>12.10.2022</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>Memo of Appearance filed by Ms. Purna 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>On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Purna Singh, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 09.02.2022 of this Tribunal in Original Application No. 607 of 2021.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks to seek instruction and to file affidavit of compliance.</p> <p>List on 03.01.2023.</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
E-Court**

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>12.10.2022</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 style="text-align: justify;">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 are present.</p> <p style="text-align: justify;">Ms. Amrita Chakraborty, Ld. Counsel appearing for the respondents, after seeking dates to file affidavit of compliance on several occasions, submits that respondents are intending to file Special Leave Petition to Appeal against the decision of this Tribunal, four weeks time be granted to bring stay order.</p> <p style="text-align: justify;">Prayer made by the Ld. Counsel for the respondents is misconceived as she cannot seek time to bring stay order from the Hon'ble Apex Court after filing Special Leave Petition after seeking dates several times for making compliance of the order.</p> <p style="text-align: justify;">In the circumstances, respondents are directed to make compliance of the order and file affidavit of compliance within four weeks without fail else the officer responsible for implementation of the order shall remain physically present in Tribunal on the next date fixed to explain the reasons why necessary action be not taken against him for non-compliance of the order.</p> <p style="text-align: center;">List on 13.12.2022.</p> <p style="text-align: justify;">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;"> (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
E-Court

Ex. A. No. 95 of 2021 Inre : O.A. No. 111 of 2020

Ex. Sub. Ram Sarup
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>12.10.2022</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 Om prakash Kushwaha, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that in compliance to order for the grant of disability pension for a period of two years, PPO has been generated and has been filed through affidavit of compliance which be taken on record.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>It is submitted by the Ld. Counsel for the respondents that in regard to grant of disability pension to the applicant in respect of Re-Survey Medical Board held under order of this Tribunal Government Sanction is awaited, four weeks further time be granted to file Supplementary Affidavit of Compliance, which is allowed.</p> <p style="text-align: center;">List on 04.01.2023.</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
E-Court

Ex. A. No. 14 of 2022 Ine : O.A. No. 753 of 2020

Ex. Nb. Sub. Ramesh Chandra
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>12.10.2022</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 Yashpal Singh, Advocate holding brief of Shri K.C. Ghildiyal, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that applicant's case has been processed for obtaining Government Sanction after Leave to Appeal being dismissed, four weeks further time be granted to file affidavit of compliance, which is allowed.</p> <p>List on 04.01.2023.</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
E-Court

Ex. A. No. 47 of 2022 Inre : O.A. No. 237 of 2021

Ex. Hav. Naba Kumar Chandra
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>12.10.2022</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 style="text-align: center;">Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that in compliance to order PPO has been generated and arrears Rs.5,91,166/- has been credited in applicant's account in September, 2022. As regard interest, Ld. Counsel for submitted that it is paid separately as per Government Sanction. In the Government Sanction issued in the matter there is mention of interest @8% per annum.</p> <p style="text-align: center;">In view of the above, order seems to have been complied with.</p> <p style="text-align: center;">Accordingly, Execution Application is dismissed being infructuous.</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
E-Court

Ex. A. No. 49 of 2022 Inre : O.A. No. 253 of 2019

Ex. Sgt. Dinesh Kumar Saxena 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>12.10.2022</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents assisted by Warrant Officer S.K. Mishra, Legal Cell (Air Force) AFT for the respondents are present.</p> <p>Warrant Officer S.K. Mishra, Legal Cell (Air Force), AFT submits that implementation of the order is in progress, four weeks further time be granted to file affidavit of compliance, which is allowed.</p> <p>List on 13.12.2022.</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
E-Court

Ex. A. No. 51 of 2022 Inre : O.A. No. 108 of 2021

Ex. Sep. Bharat Chand
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>12.10.2022</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 Parijaat Belaura, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that respondents are intending to file Leave to Appeal against the order of this Tribunal, four weeks further time be granted.</p> <p>In the circumstances, respondents are allowed four weeks time to either bring stay order or make compliance of the order failing which respondents shall be liable to pay Rs.5,000/- as cost to the applicant.</p> <p>List on 04.01.2023.</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
E-Court

Ex. A. No. 109 of 2022 Inre : O.A. No. 297 of 2021

Ex. Sub. Kedar Datt
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>12.10.2022</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>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>It is submitted by the Ld. Counsel for the respondents that in compliance to order PPO has been generated on 28.07.2022 and arrears Rs.7,53,156/- ha also been credited in applicant's account in August, 2022. Thus, he submitted that since the order has been complied with, Execution Application may be dismissed being infructuous.</p> <p>In view of the above, order seems to have been complied with.</p> <p>Accordingly, Execution Application is dismissed being infructuous.</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
E-Court

Ex. A. No. 227 of 2022 Inre : O.A. No. 545 of 2021

Ex. Hav. Chandrama Ram Applicant
By Legal Practitioner for the Applicant

Versus

First Appellate Committee, Addl. DGPS-4, AG's Branch,
Army HQ, New Delhi & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.10.2022</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 Rohit Kumar, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents assisted by Major Tejas, Departmental Representative for the respondents are present.</p> <p>Major Tejas, Departmental Representative submits that in compliance to order the First Appeal dated 30.09.2020 preferred by the applicant has been decided/rejected on 10.03.2022.</p> <p>Ld. Counsel for the applicant submits that copy of rejection order has not been received to the applicant.</p> <p>Respondents are directed to bring the copy of rejection order on the record by way of affidavit within two weeks.</p> <p>List on 16.11.2022.</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
E-Court

Ex. A. No. 233 of 2022 Inre : O.A. No. 263 of 2014

Ex. Hav. Ishwar Prasad
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>12.10.2022</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>Heard Shri Yashpal Singh, Ld. Counsel for the applicant, Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondent Nos. 1 to 3 assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>Vide order dated 04.02.2022 respondents had been directed to grant provisional pension to the applicant from the he was enlarged on bail.</p> <p>It is submitted by the Ld. Counsel for the respondents that respondents had no knowledge about applicant being involved in a criminal case, therefore, at the time of discharge Gratuity and Computation money amounting to Rs.10,90,796/- was paid to him. As per order passed by this Tribunal only provisional pension is payable to the applicant which does not include Gratuity and Computation amount, therefore, applicant was directed to refund the amount paid to him so that provisional pension may be granted to him, however, since applicant did not refund the amount the order was not complied with. She further submitted that once the money is refunded by the applicant, the order would be complied with by granting provisional pension to the applicant from the date he was enlarged on bail in criminal case.</p> <p>On the other hand, Ld. Counsel for the applicant submitted that if any payment has been made to the applicant towards Gratuity and Computation money which was not payable to him in the case of provisional pension, the same can be adjusted towards arrears to be paid to the applicant, respondents cannot withhold implementation of the order on the ground that unless the paid money is refunded they would not comply the order.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering that nothing is being received to the applicant towards pension after being enlarged on bail, we feel it appropriate to direct the respondents to grant provisional pension to the applicant immediately. As regards arrears, same may be paid after adjusting the amount already paid.</p>

Respondents are directed to prepare a calculation sheet of arrears payable to applicant towards provisional pension after adjusting the amount already paid. The arrears will be paid to the applicant within a period of six weeks from today and affidavit of compliance will be filed annexing therewith the calculation sheet.

List on **05.01.2023**.

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

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

O.A. No. 553 of 2021

Ex Hav Jai Prakash 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>12.10.2022</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>1. This O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant whereby the applicant has sought following reliefs:-</p> <p>(a) To re-instate the applicant in service notionally w.e.f. 01.01.2008 and discharge on 31.05.2008 on completion of 24 years of service in the light of judgment dated 20.11.2008 passed by Hon'ble High Court in the case of Sub/SKT Puttan Lal vs Union of India and others.</p> <p>(b) To pay arrears of salary in rank of Hav w.e.f. 01.01.2008 till 31.05.2008.</p> <p>(c) To pay difference of arrears of pension of next higher rank i.e. IIIrd MACP (Nb/Sub) along with 12% interest from the date of his discharge i.e. 01.06.2008 till it is actually paid.</p> <p>(d) Any other suitable relief this Hon'ble Court deems fit and proper may also be granted.</p> <p>2. The factual matrix on record is that the applicant was enrolled in the Army (Corps of Military Police) on 22.05.1984 and was discharged from service on 31.12.2007 (AN) after rendering 23 years and 07 months service. Applicant is in receipt of service pension of the rank of Havildar w.e.f. 01.01.2008 for life vide PPO No S/047166/2007 (Army) dated 12.11.2007. Grievance of the applicant is that he has been denied benefit of Modified Assured</p>

Career Progression Scheme (MACP) in contravention to the recommendation of the 6th Central Pay Commission as he was discharge from service before completion of 24 years of service in the rank of Havildar due to being placed in low medical category without holding Invaliding Medical Board (IMB). The applicant is in receipt of disability element of pension which was allowed vide this Tribunal's order dated 12.03.2018 (PPO No DE/00373/2019 dated 21.11.2019). Applicant's contention is that he is entitled to benefit of MACP-III (Nb Sub grade) but the respondents' contention is that he has not completed 24 years service and therefore he is not entitled to MACP-III. In this regard applicant preferred a representation dated 26.12.2020 followed by a reminder dated 25.06.2021 but this representation has not been decided, hence this O.A.

3. Learned counsel for the applicant submitted that MACP is applicable w.e.f. 01.01.2006. He further submitted that in regard to Armed Forces personnel who were discharged in low medical category without holding IMB a direction was issued by the higher authorities to exercise option for rejoining duty, if they so desire and applicant having not received the option could not exercise the same. Since he was serving in low medical category, he was discharged from service prior to completion of terms of engagement. It was further submitted that his normal date of superannuation was 31.05.2008 as such he should be deemed to have completed 24 years of service on 31.05.2008. He further submitted that in similar circumstances where service was falling short, AFT (RB) Chennai in the case of **Ex Hav M sankarraj vs Union of India & Ors**, O.A. No. 108 of 2016 decided on 23.11.2017 passed order to condone the short fall of service and granted IIIrd MACP (Nb Sub grade), therefore applicant should also be granted benefit of IIIrd MACP after condoning the short fall in service.

4. On the other hand, learned counsel for the respondents submitted that MACP scheme was made operational for the PBORs w.e.f. 01.09.2008 vide Govt. of India letter dated 30.05.2011. Later, it was made effective w.e.f. 01.01.2006 instead of 01.09.2008. He further submitted that since the applicant was serving in low medical category, he was discharged from service prior to completion of 24 years service. Accordingly, he was not granted IIIrd MACP being short of 24 years service. It was further submitted that Hon'ble High Court Delhi vide order dated 20.10.2008 has held that 'the personnel who had been discharged vide IHQ of MoD (Army) letter dated 12.04.2007 are ordered to re-instate back

into service, as they were discharged without conducting any Invalid Medical Board. Thereafter, vide letter dated 20.11.2008 respondents intimated that 'with immediate effect discharge of permanent LMC in terms of IHQ of MoD (Army) letter dated 12.04.2007 and letter dated 27.06.2007 will be held in abeyance till further orders. He further submitted that in the instant case his normal date of superannuation was on 31.05.2008 before pronouncement of judgment on 20.10.2008 by the Hon'ble Delhi High Court, hence the applicant was not called to rejoin the service. Lastly, the learned counsel submitted that since the applicant did not complete 24 years service he is not entitled to be granted IIIrd MACP (Nb Sub grade). He pleaded for dismissal of O.A. in view of the Hon'ble Supreme Court judgment dated 08.12.2017 passed in Civil Appeal Diary No 3744 of 2016, **UOI vs Shri Balbir Singh Turn & Anr.**

5. Heard Shri Parijaat Belaura, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents and perused the record.

6. It is not disputed that the applicant was enrolled in the Army on 22.05.1984 and was discharged from service w.e.f. 31.12.2007 (AN). It is also not disputed that the applicant was promoted to the rank of Hav and he was discharged from service before completion of 24 years service being placed in low medical category.

7. The instant case is covered vide order dated 23.11.2017 passed by AFT (RB), Chennai in O.A. No 108 of 2016, **Ex Hav M Sankarraj vs UOI & Ors** in which it was held that it is not the intention of the Govt to deny MACP to soldiers merely for minor shortfall of qualifying service and the anomaly appears to be an oversight while drafting the policy letter and to that extent, it is imperfect. It was further held that when a regulation is flawed, the principles of natural justice should be applied to bring in equity. A fundamental tenet of equity is that where there is a right, it ought to be effectual, and for every wrong there ought to be a remedy. It was further held that the question, therefore, is whether the provisions for grant of service for pension purposes enumerated in Regulation 18, be made applicable to entitlement of MACP, as a possible remedy.

8. Thus, we have a remedy i.e. Regulation 18 which is relevant in this case and is reproduced as under:-

*"Half a year's pension or gratuity
18 (a) In calculating the length of qualifying*

service, fraction of a year equal to three months and above but less than 6 months shall be treated as a completed one half year and reckoned as qualifying service. The period of nine months and above would, therefore, be two half years. This shall however not be applicable for completing minimum qualifying service for pensionary benefits.

(b) If the total period of qualifying service of an individual exceeds completed years by 6 months or more, the amount of his pension/gratuity will be computed for the completed years plus one half year of his qualifying service including weightage, if any, admissible under these regulations”.

9. During the course of hearing learned counsel for the applicant has restricted his prayer for grant of MACP-III only which the respondents have not objected.

10. Apropos above we condone shortfall in service to the extent of completion of 24 years service to enable the applicant to get IIIrd MACP and applicant is thus, made eligible for grant of MACP-III.

11. Subject to aforesaid observations, the O.A. is **partly allowed**. The impugned orders are quashed. The respondents to consider the claim of the applicant for implementation of the Modified Assured Career Progression Scheme with effect from the date he would have completed 24 years service and grant benefits of MACP-III. The respondents shall take appropriate decision expeditiously, preferably within four months from the date of receipt of a certified copy of this order. Delay shall invite interest @ 8% per annum till actual payment.

12. No order as to costs.

13. Pending application(s), if any, are disposed off.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

rathore

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

O.A. No. 670 of 2021

Ex Hav Santosh Kumar Dubey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.10.2022</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 style="text-align: center;">Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">O.A. is dismissed.</p> <p style="text-align: center;">For orders, see our judgment passed on separate sheets.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 205 of 2022

Ex Hav Bipin Bihari 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>12.10.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents.2. Counter affidavit filed by the respondents is taken on record.3. This O.A. has been filed by the applicant for grant of MACP-III w.e.f. his date of discharge.4. Brief facts of the case are that the applicant was enrolled in the Army on 26.12.1980 and he was discharged from service on 31.12.2006 (AN) after completion of 26 years service in the rank of Havildar. Applicant's grievance is that he was not granted benefits of MACP-III which were made effective from 01.01.2006.5. In regard to this, submission of learned counsel for the respondents is that based on IHQ of MoD (Army) policy letter dated 30.05.2011 and 13.07.2011 personal occurrence for grant of MACP-III to the applicant was published vide Part-II Order No 01/AR/5400/0001/2019 and he was granted service pension in the rank of MACP-III (Nb Sub grade) along with arrears vide PPO No 153200601749 dated 09.10.2020.6. During the course of hearing, learned counsel for the applicant conceded the grant of service pension and arrears in the rank of MACP-III to the applicant.7. In view of the fact that applicant has already been granted benefits of MACP-III and its arrears well before filing of this O.A., the O.A. is rendered infructuous.8. Accordingly, the O.A. is dismissed being infructuous. <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 225 of 2022

Ex Hav (Hony Nb Sub) Sandip Kumar Das
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>12.10.2022</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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p>List on 28.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 253 of 2022

MWO (HFO) Rakesh Kumar (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>12.10.2022</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>Heard Shri Raj Kumar Mishra and Shri AK Chaudhary, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>O.A. is allowed.</p> <p>For orders, see our judgment passed on separate sheets.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No. 283 of 2022

Hav Sanjoy Samanta
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.10.2022</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 Manoj Kumar Awasthi, Advocate holding brief for Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that parawise comments have been received, three weeks further time be granted to file counter affidavit, which is allowed.</p> <p>List on 16.12.2022.</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>rathore</p>

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

O.A. No. 284 of 2022

Nb Sub Arjun Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.10.2022</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 Manoj Kumar Awasthi, Advocate holding brief for Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Matter needs physical hearing.</p> <p>List on 05.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No. 333 of 2022

Col Amitabh 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>12.10.2022</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 Tanay Hazari and Shri Jharna Kumar, Ld. Counsel for the applicant and Mrs Anju Singh, Ld. Counsel for the respondent No 1-4 are present. Shri Rohit Kumar, learned counsel for the respondent No 5 and 6 is also present.</p> <p>Learned counsel for the applicant submits that heavy deduction is being made from the salary of the applicant, suitable direction be issued to stop recovery.</p> <p>Learned counsel for the respondent No 5 & 6 submits that a weeks time be granted to file counter affidavit.</p> <p>Matter regarding maintainability of application is pending consideration before the Larger Bench.</p> <p>Respondents No 5 and 6 may file counter affidavit within a week.</p> <p>List on 14.11.2022.</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>rathore</p>

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

O.A. No. 396 of 2022

Ex Nk Jai Prakash
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>12.10.2022</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>Heard Shri Rahul Pal, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>The O.A. is allowed.</p> <p>For orders, see our judgment passed on separate sheets.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 401 of 2022

Nk Akhil George

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>12.10.2022</u> Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</p> <p style="text-align: center;">Heard Shri Manoj Kumar Awasthi, Advocate holding brief for Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">The O.A. is disposed of with directions to the respondents to re-consider the matter for premature discharge from service within a period of two months from today.</p> <p style="text-align: center;">For orders, see our judgment passed on separate sheets.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>rathore</p>

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

O.A. No. 408 of 2022

Rect Rinku 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>12.10.2022</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 Arvind Kumar Jauhari, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Counter and rejoinder affidavits are taken on record.</p> <p>Learned counsel for the applicant submits that applicant intends to file supplementary rejoinder affidavit, time be granted, which is allowed.</p> <p>Supplementary rejoinder affidavit be filed within two weeks.</p> <p>It is submitted by learned counsel for the respondents that after filing the counter affidavit some inputs have been received which respondents wish to bring on record, time be allowed for the same.</p> <p>Supplementary counter affidavit be filed within two weeks, thereafter supplementary rejoinder affidavit, if any, be filed within next two weeks.</p> <p>List on 06.01.2023 for physical hearing.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 500 of 2022

Lt Col Ashok 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><u>12.10.2022</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>1. This application has been filed by the applicant under section 14 of the Armed Forces Tribunal Act, 2007. The applicant has made following prayers:-</p> <p>(i) The Hon'ble Tribunal may be pleased to set aside the rejection order dated 26.08.2021 (Annexure No A-1) and order dated 03.03.2022.</p> <p>(ii) The Hon'ble Tribunal may be pleased to direct the respondents to grant disability element with effect from 01.10.2021 (next date of discharge) along with its arrears and interest thereon at the rate of 18% per annum.</p> <p>(iii) Hon'ble Tribunal may be pleased further to grant benefit of rounding of disability pension @ 50% in terms of Ram Avtar's case.</p> <p>(iv) Any other appropriate order or direction which the Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case.</p> <p>2. Brief facts of the case are that the applicant was enrolled in the Army on 03.01.1985 as Sepoy and further commissioned in the Army as Lieutenant on 02.04.2002. During the course of his service, he suffered with 'Primary Hypertension' 09.09.2017 and due to this he was placed in low medical category P2 (permt) w.e.f. 27.08.2018. Prior to discharge from service his Release Medical Board (RMB) was held at Military Hospital, Secunderabad which assessed his disability @ 30% for life neither attributable to nor aggravated (NANA) by military service. He was released from service on 30.09.2021. AG's Branch, IHQ of MoD (Army) vide letter dated 26.08.2021 intimated that he is not entitled to disability element of pension as his disability is NANA. He was also advised to prefer first appeal if he is not satisfied with this decision. Based on letter dated 26.08.2021, he preferred first appeal on 06.09.2021 for grant of disability element of pension which was rejected vide</p>

order dated 03.03.2022. Aggrieved, he preferred second appeal dated 11.05.2022 which has not been decided by the competent authority.

3. Heard Shri R Chandra, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents.

4. It is undisputed facts of the parties that the applicant was suffering from 'Primary Hypertension'. The Release Medical Board assessed his disability @ 30% for life neither attributable to nor aggravated by military service (NANA). As per record applicant's first appeal, preferred against rejection of disability pension claim, was rejected vide order dated 03.03.2022. The applicant has preferred second appeal on 11.05.2022.

5. The respondents have submitted that the second appeal was preferred after filing of the O.A. which can be decided by the competent authority only after the final outcome of this O.A.

6. Since second appeal has been preferred after filing of this O.A., it will be appropriate to issue directions to the respondents to decide applicant's second appeal within a stipulated period of time.

7. Accordingly, O.A. is disposed of with directions to the respondents to decide his second appeal within a period of two months from today by a speaking and reasoned order under intimation to the applicant.

8. The O.A. is disposed of.

9. No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

rathore

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

O.A. No. 501 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>12.10.2022</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 R. Chandra, Ld. Counsel for the applicant and Shri Adesh kumar Gupta, Ld. Counsel for the respondents are present.</p> <p>As prayed, three weeks further time is allowed to respondents to file counter affidavit as a last chance.</p> <p>List on 01.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 524 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>12.10.2022</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents three weeks further time is granted to file counter affidavit.</p> <p>List on 14.10.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 661 of 2022

Gdmn Birendra Upadhyay (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>12.10.2022</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 Manish Kumar Rai, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>No counter affidavit has been filed. It must be filed within three weeks failing which the opportunity to file the same shall be closed.</p> <p>List on 01.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 683 of 2022

Ex Hav S Ravi Shankar
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>12.10.2022</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 style="text-align: center;">Heard Shri KP Datta, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant submits that applicant's claim for grant of disability pension was rejected by sanctioning authority on 12.06.2021. Aggrieved, applicant had preferred first appeal dated 23.08.2021 which was rejected on 10.05.2022, thereafter this application has been filed. He therefore submits that since applicant's claim for grant of disability pension has been rejected by sanctioning authority as well as appellate authority, applicant decided not to prefer second appeal but to file this application.</p> <p style="text-align: center;">From the above, it appears that no second appeal has been preferred in the matter. Therefore filing of this application before the expiry of 06 months period on the date of filing of second appeal does not arise.</p> <p style="text-align: center;">In the circumstances when applicant's claim for grant of disability pension has been rejected by the sanctioning authority and subsequently first appeal being rejected, we consider it appropriate to hear the case instead of directing the applicant to prefer second appeal.</p> <p style="text-align: center;">Application is admitted for hearing.</p> <p style="text-align: center;">Issue notice to respondents.</p> <p style="text-align: center;">On behalf of the respondents service of notice is sufficient.</p> <p style="text-align: center;">Respondents may file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed within next two weeks thereafter.</p> <p style="text-align: center;">List before the registrar court on 12.12.2022. List before the bench on 31.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A.(A) No. 205 of 2021

Sep Pawan Chandra Bhatt through mother Smt Kamla Devi Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.10.2022</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 and Shri Ravi Kumar Yadav, Ld. Counsel for the appellant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>List on 02.12.2022 for physical hearing.</p> <p>On the date fixed respondents shall file original documents pertaining to the 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>rathore</p>

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

O.A. No. 130 of 2017

Ashok Kumar Kushwaha
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>12.10.2022</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 Sachindra Pratap Singh and Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>List on 06.01.2023 for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the 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>rathore</p>

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

O.A. No. 544 of 2019 with M.A. No. 851 of 2019

Sub Maj (RT) Ran Bahadur Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.10.2022</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 style="text-align: center;">On the case being taken up for hearing Shri Vinay Misra and Shri Yashpal Singh, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Supplementary affidavit filed by the applicant is taken on record.</p> <p style="text-align: center;">List on 01.12.2022 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 611 of 2020

Ex Nb Sub Nageshwar Jha
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>12.10.2022</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 Virat Anand Singh, Shri Pankaj Kumar Shukla and Shri Ashish Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Matter needs physical hearing.</p> <p>List on 06.01.2023 for physical hearing.</p> <p>On the date fixed learned counsel for the respondents shall produce original documents pertaining to the 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>rathore</p>

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

T.A. No. 10 of 2022

Smt Rajeshwari Devi W/o Late Hav Ram Vir Singh Chouhan Petitioner
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.10.2022</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 Dharam Raj Singh, Ld. Counsel for the Petitioner and Shri (Dr) Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that parawise comments have been received, three weeks further time be granted to file counter affidavit, which is allowed.</p> <p>List on 13.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>