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.) 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Despite several opportunities respondents have not filed Counter Affidavit, hence opportunity to file the same is closed. 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. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 253 of 2022

MWO (HFO) Rakesh Kumar (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri Raj Kumar Mishra and Shri A.K. Chaudhary, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 401 of 2022

Nk. Akhil George 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents is taken on record. Heard Shri Puru Mudgal, Advocate holding brief of Wg. Cdr. Ajit Kakkar, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents. 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. 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. 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.

	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)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **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 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri 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. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents. **M.A. No. 1014 of 2022** 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. In view of facts stated in affidavit filed in support of delay condonation application, delay is **condoned.** Delay condonation application stands disposed off. **O.A. No. 822 of 2022** 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. 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. AC (U/T) Mahesh Chandra Pal 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. **M.A. No. 1015 of 2022** This application has been filed praying for condoning the delay of 02 years and 19 days in filing of Original Application. Being a pensionary matter, delay in filing of Original Application is condoned. Delay condonation application stands disposed off. **O.A. No. 823 of 2022** Ld. Counsel for the applicant submits that claim for the grant of disability pension has been wrongly denied by the respondents. 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 824 of 2022

Ex. Hav. Kheem Singh Mehra 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri 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. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents. Matter pertains to grant of disability pension. 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri 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. Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. Matter pertains to grant of disability pension. There is a delay of 06 months and 29 days in filing of Original Application. Being a pensionary matter, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 825 of 2022** 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri 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. Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents. This Original Application has been filed for the grant of Ex-Gratia to the applicant. There is a delay of 07 years, 09 months and 10 days in filing of Original Application. 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. The Ld. Counsel for the respondents has vehemently opposed the prayer on the ground that delay has not been properly and satisfactorily explained. Considering the facts averred in affidavit we find that cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 826 of 2022** Matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **12.12.2022** for exchange of pleadings. List the matter before Tribunal on **31.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Sep./Chef (C) Lokesh Malik Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 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. Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. 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. 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. 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. The Ld. Counsel for the respondents has vehemently opposed the prayer on the ground that delay has not been properly and satisfactorily explained. 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. **O.A. No. 827 of 2022** 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 828 of 2022

MWO (HFO) Bhawan Nath Giri (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. 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. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Dr. Shesh Narayan Pandey, Ld. Counsel for the respondents. 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. 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Devesh Kumar Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next. Heard Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents. There is a delay of 01 year and 24 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 829 of 2022** Matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **12.12.2022** for exchange of pleadings. List the matter before Tribunal on **31.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

JWO Harikeshwar Lal Srivastava (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri 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. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. This Original Application has been filed for the grant of notional increment for the pensionary benefit. There is a delay of 03 years, 09 months and 18 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 830 of 2022** 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. 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Sgt. Dev Raj Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri 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. Heard Shri S.K. Singh and Shri Vikas Maurya, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. Matter pertains for grant of disability pension. There is a delay of 10 years, 02 months and 23 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 831 of 2022** Matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **12.12.2022** for exchange of pleadings. List the matter before Tribunal on **31.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Swr. Prayag Datt 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Virat Anand Singh, Ld. Counsel for the applicant. **M.A. No. 1023 of 2022** This application has been filed praying for condoning delay of 09 years, 09 months and 27 days in filing of Original Application. By means of order impugned, the applicant has been discharged from service. Respondents may file objection, if any, against delay condonation application within two weeks. List on **13.12.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

WO Om Prakash Yadav (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri 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. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents. This Original Application has been filed for the grant of notional increment for the pensionary benefit. There is a delay of 03 years, 09 months and 16 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 833 of 2022** 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. 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court
O.A. No. 834 of 2022 with M.A. No. 1026 of 2022

Lt. Col. Nand Kishore Mishra Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. On the case being taken up for hearing no one is present on behalf of the applicant nor is there any mention to pass over the case. 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. 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. 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. 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. In the circumstances, it appears that Original Application has been filed in haste, it is premature. Accordingly, Original Application is **dismissed**. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Hav. Prem Chand Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. 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. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. **M.A. No. 1032 of 2022** This application has been filed praying for condoning the delay of 14 years, 11 months and 19 days in filing of Original Application. Being a pensionary matter, delay, if any, is **condoned**. Delay condonation application stands disposed off. **O.A. No. 835 of 2022** 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. Ld. Counsel for the respondents submits that Original Application is not maintainable being filed without availing statutory remedies. 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**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ketaki Ranjan Nath 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri 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. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. **M.A. No. 1033 of 2022** This application has been filed for condoning the delay of 14 years, 09 months and 20 days in filing of Original Application. 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. The Ld. Counsel for the respondents has vehemently opposed the prayer on the premise that delay has not been properly and satisfactorily explained. Cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 836 of 2022** Matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **12.12.2022** for exchange of pleadings. List the matter before Tribunal on **31.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Gnr. Birj Kishore Randey 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. 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. Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability pension. 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. There is a delay of 27 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 838 of 2022** Matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on **12.12.2022** for exchange of pleadings. List the matter before Tribunal on **31.01.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Nk. Rajvir 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 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. 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. 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. 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.

	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 quarry 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)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **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 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Prerna 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. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents are present. This application has been filed for implementation of order dated 09.02.2022 of this Tribunal in Original Application No. 607 of 2021. Ld. Counsel for the respondents seeks and is allowed four weeks to seek instruction and to file affidavit of compliance. List on **03.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

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

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present. 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. 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. 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. List on **13.12.2022**. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Sub. Ram Sarup 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri 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. 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. Affidavit of compliance filed by the respondents is taken on record. 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. List on **04.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Nb. Sub. Ramesh Chandra 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri 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. 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. List on **04.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Hav. Naba Kumar Chandra 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 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. 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. In view of the above, order seems to have been complied with. Accordingly, Execution Application is **dismissed** being infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri 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. 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. List on **13.12.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Sep. Bharat Chand Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present. 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. 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. List on **04.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Sub. Kedar Datt 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Affidavit of compliance filed by the respondents is taken on record. 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. 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. In view of the above, order seems to have been complied with. Accordingly, Execution Application is **dismissed** being infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri 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. Major Tejas, Departmental Representative submits that ion compliance to order the First Appeal dated 30.09.2020 preferred by the applicant has been decided/rejected on 10.03.2022. Ld. Counsel for the applicant submits that copy of rejection order has not been received to the applicant. Respondents are directed to bring the copy of rejection order on the record by way of affidavit within two weeks. List on **16.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Hav. Ishwar Prasad 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** 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. Vide order dated 04.02.2022 respondents had been directed to grant provisional pension to the applicant from the he was enlarged on bail. 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. 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. 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.

	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)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 249 of 2022 Inre : Ex. A. No. 99 of 2021 Inre : O.A. No. 88 of 2020

Ex. Hav. Rakshpal 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Two affidavits have been filed by the respondents in compliance of the order. Ld. Counsel for the applicant seeks and is allowed two weeks time to file reply. List on **12.12.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 253 of 2022 Inre : O.A. No. 273 of 2020

Ex. Nk./Clk. Rakesh Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Shashank Bhasin, Advocate on behalf of the respondent Nos. 3 and 4 is taken on record. His name be shown as Counsel for the respondent Nos. 3 and 4 when the case is listed next. On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent Nos. 1 and 2 and Shri Shashank Bhasin, Ld. Counsel for the respondent Nos. 3 and 4 are present. Ld. Counsel for the respondent Nos. 3 and 4 prays for and is granted two weeks time to file reply to the Execution Application. List on **13.12.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 254 of 2022 Inre : O.A. No. 103 of 2020

Ex. Nk. Ranjeet Singh Thakur 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present. It is submitted by the Ld. Counsel for the respondents that Government Sanction is still under consideration, three weeks further time is granted to file affidavit of compliance, which is allowed. List on **05.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 255 of 2022 Inre : O.A. No. 517 of 2017

Ex. Sep. Rahul 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present. It is submitted by the Ld. Counsel for the respondents that Government Sanction is still under consideration, three weeks further time is granted to file affidavit of compliance, which is allowed. List on **06.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 268 of 2022 Inre : O.A. No. 231 of 2018

Bhupendra 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. Shri Sunil Sharma, Ld. Counsel appearing for the respondents submits that implementation of the order is under active consideration, four weeks further time be granted to file affidavit of compliance, which is allowed. List on **06.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 269 of 2022 Inre : O.A. No. 404 of 2020

Ex. MWO (Hony. Fg. Offr.) Ajay Kumar Sachan 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present. Ld. Counsel for the applicant submits that PPO in the matter has been issued on 04.02.2022, but nothing has been received in applicant's account till date. Shri Rajeev Tiwari, Accounts Officer, PCDA (Pension), Prayagraj submits that two weeks time be granted to seek instruction in the matter to apprise the Tribunal, which is allowed. List on **12.12.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 121 of 2020

Ex. Rect. Sukhwant Singh Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. Matter needs physical hearing. List on **01.12.2022** for physical hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No 670 of 2021

Ex Hav Santosh Kumar Dubey Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Veer Raghav Chaubey, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents and perused the documents available on record. O.A. No. 670 of 2021, Ex Hav Santosh Kumar Debey, vs. Union of India and others is **dismissed.** For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-

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

O.A. No 396 of 2022

Ex Nk Jai Prakash 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
	12.10.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rahul Pal, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents and perused the documents available on record. O.A. No. 396 of 2022, Ex Nk Jai Prakash, vs. Union of India and others is **allowed.** For order, see our judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** UKT/-