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

O.A. No. 1038 of 2022

Ex. Hav. Harish Kumar Trivedi 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
	13.12.2022 **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 Manoj Kumar Awasthi and Shri Anshuman Srivastava, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability pension to the applicant. 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 on **06.02.2023.** **(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 No. 1 (Sl. No. 2)

O.A. No. 1041 of 2022 with M.A. No. 1249 of 2022

Ex. MWO (HFO) Ram Kewal 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
	13.12.2022 **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 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 Rama Kant and Shri Shiv Narain Kaushal, Ld. Counsel for the applicant and Dr. Chet Narayan Mishra, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability pension to the applicant. There is a delay of 02 months and 04 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 1041 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 on **06.02.2023.** **(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 No. 1 (Sl. No. 3)

O.A. No. 1042 of 2022 with M.A. No. 1248 of 2022

Ex. Sub. Babban 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
	13.12.2022 **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 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 R. Chandra, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability pension to the applicant. There is a delay of 03 months and 04 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 1042 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 on **06.02.2023.** **(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 No. 1 (Sl. No. 4)

O.A. No. 1043 of 2022 with M.A. No. 1250 of 2022

Sgt. Santosh Kumar Dubey (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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Kavita 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 Sarvesh Kumar Verma, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability pension to the applicant. There is a delay of 01 year, 08 months and 10 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 1043 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 on **06.02.2023.** **(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 No. 1 (Sl. No. 5)

Ex. A. No. 100 of 2019 Inre : O.A. No. 144 of 2016

Sgt. Rajendra Prasad 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
	13.12.2022 **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 Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Objection to the affidavit filed by the applicant is taken on record. List on **02.02.2023** for physical hearing. Respondents may file reply, if any, by the next date fixed. **(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 (Sl. No. 6)

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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant, Ms. Amrita Chakraborty, Ld. Counsel for the respondents and Lt. Col. J.A. Raj Kurusappah, DSC Records through Video Conferencing. Lt. Col. J.A. Raj Kurusappah submits that against judgment and order dated 23.03.2021 of this Tribunal in Original Application No. 493 of 2019 draft Appeal has been prepared and is to be filed soon in the Hon'ble Supreme Court. A letter dated 05.12.2022 has also been produced before us regarding Government Sanction for payment of Rs.10,000/- as cost. It is submitted by the Ld. Counsel for the respondents that since draft Appeal has been prepared Appeal and is to be filed in the Hon'ble Supreme Court soon, hearing of the case be adjourned. On the other hand, Ld. Counsel appearing for the applicant submits that the order which is to be implemented is dated 23.03.2021, hearing cannot be adjourned on the reason that draft Appeal has been prepared. Upon hearing submissions of Ld. Counsel of both sides and considering that the order which is to be implemented is dated 23.03.2021, we find that cause shown for seeking adjournment of hearing is not sufficient, therefore, the prayer is rejected. We are told that the order is to be implemented by DDG, DSC

	Directorate, Army Headquarters, New Delhi. Registry is directed to issue notice to DDG, DSC Directorate, Army Headquarters, New Delhi to appear before this Tribunal on the next date fixed to explain the reasons why action be not taken against him for non-compliance of the order. List on **03.02.2023**. 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 No. 1 (Sl. No. 7)

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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Mahendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. It is submitted by the Ld. Counsel for the respondents that against the judgment and order dated 20.07.2021 in Original Application No. 253 of 2019 respondents had filed a Review Application bearing Diary No. 122 of 2022 which was decided on 17.02.2022 observing therein that due to law of limitation the applicant is not entitled to any arrear to his disability element. Thus, he submitted that nothing is payable to the applicant towards arrears of disability element. As regards Re-Survey Medical Board, Ld. Counsel submits that a letter in this regard has been written to the Command Hospital (Central Command), Lucknow for holding RAMB of the applicant with a copy to the applicant. The letter issued to the applicant is dated 28.11.2022. Thus, he submits that there is no delay on the part of the respondents. In view of the above, six weeks further time is granted to file affidavit of compliance. List on **03.03.2023**. 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 No. 1 (Sl. No. 8)

Ex. A. No. 80 of 2022 Inre : O.A. No. 411 of 2021

Sub. Ginesh Kochukuttan Kurup 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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. This application has been filed for implementation of order dated 06.12.2021 in Original Application No. 411 of 2021 by which respondents have been directed to consider the applicant's case afresh in DPC 2020 along with other personnel of same DPC and promote him to the rank of Subedar Major, if he comes in the merit list and is otherwise found fit for such promotion as per promotion policy. It is submitted by the Ld. Counsel for the applicant that in compliance of the order the applicant's case was considered in DPC 2020 and being not found in the merit he was not promoted to the rank of Subedar Major. He further submitted that applicant is entitled to 2nd and 3rd look/chance as per rules, direction be issued to the respondents to consider his case in DPC 2021 and DPC 2022. On the other hand, Ld. Counsel for the respondents submits that in execution proceedings only the order which is passed is to be implemented and as the order passed in the matter was to consider the applicant's case afresh in DPC 2020 and not to consider his case in DPC 2021 and DPC 2022, therefore, his case was considered in DPC 2020 only and applicant being not found in merit was not promoted to the rank of Subedar Major. Thus, he

	submits that so far as the order in question is concerned, the same has been complied with. Upon hearing submissions of Ld. Counsel of both sides, we are in full agreement with the Ld. Counsel for the respondents that in execution only the order which has been passed can be implemented and nothing beyond. If we look into the order passed in Original Application No. 411 of 2021 we find that respondents have been directed to consider applicant's case afresh in DPC 2020 along with other personnel of same DPC and promote him to the rank of Subedar Major, if he comes in the merit and if he otherwise found fit for promotion as per policy. No direction has been issued to consider the applicant's case in DPC 2021 and DPC 2022. Since the direction contained in the order has been complied with by considering applicant's case in DPC 2020, we find that the order has been complied with. If the applicant is entitled for consideration of his case in DPC 2021 and DPC 2022, he can make application in this regard to the concerned authority, but no direction of this nature can be issued in the instant proceedings. In view of the above, we are of the view that Execution Application has rendered infructuous and is liable to be dismissed as such. Accordingly, Execution Application is **dismissed**. **(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 No. 1 (Sl. No. 9)

Ex. A. No. 83 of 2022 Inre : O.A. No. 495 of 2017

Ex. Hav. Ram Naresh 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
	13.12.2022 **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 Arun Kumar Sahu, Ld. Counsel for the respondents are present. Affidavit of compliance filed by the respondents is taken on record. On the request of Ld. Counsel for the applicant, two weeks time is granted to file objection. List on **11.01.2023**. **(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 No. 1 (Sl. No. 10)

Ex. A. No. 137 of 2022 Inre : O.A. No. 643 of 2020

Ex. Sep. Markandey Singh Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Affidavit of compliance filed byt eh respondents is taken on record. Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Ms. Kavita Mishra, 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 since the order has been complied with, Execution Application should be dismissed being infructuous to which Ld. Counsel for the applicant has no objection. Accordingly, Execution Application is **dismissed** being infructous. **(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 No. 1 (Sl. No. 11)

Ex. A. No. 186 of 2022 Inre : O.A. No. 333 of 2021

Ex. POME Anand Kishore 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
	13.12.2022 **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 Shri Arun Kumar Sahu, 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 by the Ld. Counsel for the applicant that though the order in question has been complied with and some payment has also been received in applicant's account. However, interest has not been correctly paid as an amount of Rs.18,932/- is still remaining unpaid. Pension Disbursing Authorities are respondent Nos. 5 and 6. Issue notice to respondent Nos. 5 and 6 returnable within four weeks. Steps for notice be taken within a week. List on **10.02.2023**. **(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 No. 1 (Sl. No.12)

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

Ex. Hav. Ramesh 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
	13.12.2022 **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 Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, four weeks further time is granted to file affidavit of compliance. In the event of order being not complied with respondents shall be liable to pay Rs.5,000/- as cost to the applicant. List on **02.02.2023**. **(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 No. 1 (Sl. No. 13)

Ex. A. No. 215 of 2022 Inre : O.A. No. 294 of 2019

Ex. Rfn. Purna Bahadur Rana 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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. An affidavit of compliance annexing therewith copy of PPO has bee filed by the respondents which is taken on record. A perusal of PPO shows that it is in terms of the order. The order seems to have been complied with. Execution Application is, therefore, **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 No. 1 (Sl. No. 14)

Ex. A. No. 235 of 2022 Inre : O.A. No. 147 of 2021

Ex. Sgt. Ajit Kumar Verma 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
	13.12.2022 **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 no one is present on behalf of the applicant. Heard Shri Shyam Singh, Ld. Counsel for the respondents. It is submitted by the Ld. Counsel for the respondents that order has been complied with. An affidavit of compliance annexing therewith copy of PPO has been filed by the respondents which is taken on record. A perusal of PPO shows that it is in terms of the order. The 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 No. 1 (Sl. No. 15)

Ex. A. No. 242 of 2022 Inre : O.A. No. 56 of 2019

Ex. Spr. Bharat Chandra Biswas 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
	13.12.2022 **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 Yogesh Kesarwani, Ld. Counsel for the respondents are present. As prayed, two weeks time is granted to remove the defects raised by the registry in leave to appeal application. List on **10.01.2023**. **(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 No. 1 (Sl. No. 16)

Ex. A. No. 243 of 2022 Inre : O.A. No. 649 of 2021

Ex. MWO Raj Kumar Upadhyay 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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present. It is submitted by the Ld. Counsel for the respondents that in compliance of the order PPO has been issued on 14.07.2022. Let PPO be brought on record by way of affidavit within two weeks. 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 No. 1 (Sl. No. 17)

O.A. No. 77 of 2016

Brig. S.K. Sharma (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
	13.12.2022 **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 no one is present on behalf of the applicant. Shri Sunil Sharma, Ld. Counsel for the respondents is present and he submits that filing of Counter Affidavit is depend on the pending decision of the Hon'ble Apex Court. In view of the above, the case is adjourned. List on **10.04.2023**. **(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 (Sl. No. 18)

O.A. No. 542 of 2021

Ex. Hav. Dev Nath Singh Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.12.2022 **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 V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant, Shri Rajeev Narayan Pandey, Ld. Counsel for the respondent Nos. 1 to 3 and Shri D.C. Lohumi, Ld. Counsel for the respondent No. 5 are present. Shri Nitin Khanna, Advocate who had filed Vakalatnama on behalf of respondent No. 6 is not present today nor he has filed Counter Affidavit. He may file Counter Affidavit within two weeks failing which opportunity will stand closed without any reference. List on **16.01.2023**. **(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 (Sl. No. 19)

O.A. No. 99 of 2022 with M.A. No. 726 of 2022 and M.A. No. 727 of 2022

Ex. Hav. Tirth Nath Ojha 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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 726 of 2022** Heard Ms. Chhavi Yadav, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that copy of application has not been served to her to which Ld. Counsel for the applicant undertakes that she will serve the copy. This application has been filed to substitute Commanding Officer, 638 SATA Battalion, C/o 56 APO in place of Commanding Officer, Station Headquarters, Pithoragarh (respondent No. 4 in the Original Application). The application has been made in terms of order dated 28.04.2022 of this Tribunal. The substitution application is allowed. Let amendment be incorporated by today itself. Counter Affidavit on behalf of respondent Nos. 1 to 3 has been filed. Counter Affidavit on behalf of respondent No. 4 may be filed within four weeks. List on **15.02.2023**. **(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 No. 1 (Sl. No. 20)

O.A. No. 317 of 2022

Ex. Nb. Sub. Aditya Prakash Tripathi 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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents and Rejoinder Affidavit filed by the applicant are taken on record. Heard Shri Vijay Kumar Pandey, Shri Girish Tiwari and Ms. Sunita Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. Original Application is **allowed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, 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 No. 1 (Sl. No. 21)

O.A. No. 595 of 2022

Ex. WO Dhirendra 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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** In spite of several opportunity the respondents have not filed Counter Affidavit, hence opportunity to file Counter Affidavit is closed. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents. Original Application is **allowed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, 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 No. 1 (Sl. No. 22)

O.A. No. 611 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
	13.12.2022 **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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit as a last chance. List on **16.01.2023**. **(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 No. 1 (Sl. No. 23)

O.A. No. 690 of 2022

Ex. Sgt. Nab Kishore Nayak 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
	13.12.2022 **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 Ved Prakash Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file Counter Affidavit. List on **16.01.2023**. **(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 No. 1 (Sl. No. 24)

O.A. No. 692 of 2022

Ex. Sub. Bachina Srinivasa Rao 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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present. As prayed, a week further time is granted to file Counter Affidavit. List on **04.01.2023**. **(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 (Sl. No. 25)

O.A. No. 693 of 2022

Ex. Hav. (SHT) Ashok Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.12.2022 **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 V.P. Pandey and Shri D.K. Dixit, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. Original Application is **allowed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, 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 No. 1 (Sl. No. 26)

O.A. No. 907 of 2022

Ex. Nb. Sub. Manesh Shanker NS 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
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Objection to the maintainability of Original Application filed by the respondents is taken on record. Heard Shri K.K. Misra, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability pension. An objection regarding maintainability of Original Application has been raised by the Ld. Counsel for the respondents on the ground that since the applicant after being retired from service residing in Kerala and not in Uttar Pradesh, therefore, this Tribunal has no territorial jurisdiction to entertain the Original Application. On the other hand, Ld. Counsel for the applicant states that it is clearly provided in Rule 6 (1) (ii) of the Armed Forces Tribunal (Procedure) Rules, 2008 that an application may be filed with the Registrar of the Bench within whose jurisdiction the cause of action, wholly or in part, has arisen. He submits that applicant's claim for the grant of disability pension has been rejected by the Army Medical Corps (AMC) Records which is situated in Lucknow and in view of Rule 6 (1) (ii) of the Armed Forces Tribunal (Procedure) Rules, 2008 this Tribunal has territorial jurisdiction to entertain the Original Application.

We have gone through the Rule 6 of the Armed Forces Tribunal (Procedure) Rules, 2008 and we find that an application may be filed by the applicant with the Registrar of the Bench within whose jurisdiction the applicant is posted for the time being, or was last posted or attached; or where the cause of action, wholly or in part, has arisen. However, if the applicant has ceased to be in service by reason of his retirement, dismissal, discharge, cashiering, release, removal, resignation or termination of service, he may, at his option, file an application with the Registrar of the Bench within whose jurisdiction he is ordinarily residing at the time of filing of the application.

On reading the above, it is clear that if the applicant is ceased to be in service for any reason he has option either to file application where the cause of action, wholly or in part, has arisen or with the Registrar of the Bench within whose jurisdiction he is ordinarily residing. This being the option of the applicant, it is for him to decide as to where he wishes to file Original Application and if he has filed the Original Application with the Registrar of the Bench within whose jurisdiction the cause of action arisen, the Original Application cannot be called in question saying it has not been filed with the Registrar of the Bench within whose jurisdiction he is residing, after being discharged from service.

It is undisputed that in the case in hand the claim for the grant of disability pension of the applicant has been rejected by the Army Medical Corps Records, the Office of which is situated in Lucknow. Thus, cause of action has arisen within the territorial jurisdiction of this Tribunal and, therefore, this Tribunal has jurisdiction to entertain the Original Application. The objection raised by the Ld. Counsel for the respondents is not tenable, hence the same is rejected.

Case needs adjudication.

Admit.

Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit.

List on **06.02.2023**.

(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 (Sl. No. 27)

O.A. No. 919 of 2022

JWO Umed Singh (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Raj Kumar Misrha and Shri A.K. Chaudhary, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. This Original Application has been filed for the grant of disability pension. An objection has been raised by the Ld. Counsel for the respondents regarding maintainability of the Original Application. It is submitted by the Ld. Counsel for the respondents that applicant is not the resident of Uttar Pradesh/Uttarakhand, but of a resident of Haryana, therefore, this Tribunal has no territorial jurisdiction to entertain the Original Application. In reply, Ld. Counsel for the applicant submitted that while in service applicant was lastly posted as Junior Warrant Officer, 505 Signal Unit, Air Force Station, Memaura, Lucknow, Uttar Pradesh and, therefore, in view of Rule 6(1)(i) of the Armed Forces Tribunal (Procedure) Rules, 2008 this Tribunal has jurisdiction to entertain the Original Application. Rule 6(1)(i) and (ii) reads that an application may be filed with the Registrar of the Bench where the applicant is posted for the time being, or was last posted or attached; or where the cause of action, wholly or in part, has arisen.

	Since while in service, the applicant was last posted in 505 Signal Unit, Air Force Station, Memaura, Lucknow Uttar Pradesh which is within the territorial jurisdiction of this Tribunal, this Tribunal has jurisdiction to entertain the Original Application. The objection raised by the Ld. Counsel for the respondents is not tenable, hence the same is rejected. The Original Application is held to be maintainable. Case needs adjudication. Admit. Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. List on **06.02.2023**. **(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 No. 1 (Sl. No. 28)

T.A. No. 19 of 2022

Ex. Rect. Soumya Ranjan Swain 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
	13.12.2022 **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 Ashok Kumar, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents. Transferred Application is **dismissed**. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, 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 No. 1 (Sl. No. 29)

R.A. No. 3 of 2021 Inre : O.A. No. 219 of 2019

Brig. Yatindra Mohan Tewari, SM (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
	13.12.2022 **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 Rajiv Pandey, Ld. Counsel for the respondents is present. Shri Raj Kumar Mishra, Advocate has yet to file Vakalatnama which may be filed within two weeks. List on **10.01.2023** for physical hearing. **(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 (Suppl. Sl. No. 1)

O.A. No. 419 of 2022

Smt. Rani Devi W/o Late Sep. 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**
	13.12.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj. This Original Application has been filed for the grant of life time arrears of the service element of the applicant's husband till his death and thereafter family pension to the applicant from the next date of death of husband of the applicant. The date of death of applicant's husband is 27.07.2002. During the course of hearing, Ld. Counsel for the applicant admitted that grievance raised in the Original Application has been redressed by issuing PPOs for the grant of service element as well as family pension dated 14.07.2022 and 21.10.2022 respectively. He also admitted that applicant is in receipt of family pension. However, his submission is that life time arrears of service element has not been credited in applicant's account yet. In view of the fact that grievance raised in the Original Application has been redressed and PPO for the grant of service element as well as family pension have been issued, Original Application has rendered infructuous and is liable to be dismissed as such. Accordingly, Original Application is **disposed of** with direction to the concerned Pension Disbursing Authority to pay the life time arrears of service element at the earliest preferably within a period of two months. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-