

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

O.A. No. 683 of 2022

Ex. Hav. S. Ravi Shankar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh, Advocate holding brief of Shri K.P. Datta, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed for the grant of disability pension on the premise that applicant's claim for the grant of disability pension has been wrongly denied.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that Original Application is pre-mature as it has been filed before the expiry of six months period from the date of filing of Second Appeal as provided under Section 21 of the Armed Forces Tribunal Act, 2007. Applicant has preferred the Second Appeal which is dated 08.08.2022.</p> <p style="text-align: center;">Ld. Counsel for the applicant prays for and is granted a week time to show as to how this Original Application is maintainable before the expiry of six months period from the date of filing of Second Appeal.</p> <p style="text-align: center;">List on 12.10.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 286 of 2022 Inre : O.A. No. 73 of 2020

Smt. Sunita Devi W/o Late Ex. Dfr. Kishor Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondent Nos. 1 to 4 is taken on record. His name be shown as Counsel for the respondent Nos. 1 to 4 when the case is listed next.</p> <p>Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent Nos. 1 to 4.</p> <p>Ld. Counsel for the respondent Nos. 1 to 4 submits that copy of order under execution has not been file by the applicant.</p> <p>Let copy of order be filed by the next date fixed.</p> <p>Ld. Counsel for the applicant submits that some payment has been received in the account of applicant after the filing of Execution Application, however, no statement of account has been furnished.</p> <p>Issue notice to respondent Nos. 5 and 6 returnable within four weeks.</p> <p>Steps for notice be taken within a week.</p> <p>List on 21.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 46 of 2021 Inre : O.A. No. 264 of 2019

Ex. Nk. Raghuraj Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, 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 are present.</p> <p>Lt. Col. Sanjay Singh, Records Officer, Brigade of the Guards is also present in person in compliance of order dated 08.07.2022 of this Tribunal and he states that after the passing of the order dated 05.04.2021 of this Tribunal the respondents had sought legal opinion from the Central Government Standing Counsel as well as Principal Controller of Defence Accounts (Pension), Prayagraj regarding implementation of the order.</p> <p>The Principal Controller of Defence Accounts (Pension), Prayagraj vide its letter dated 12.11.2021 intimated the respondents that disability element of the applicant has been stopped and he is not getting disability element of pension presently as the same cannot be granted to him on the basis of old RSMB and he was notionally discharged from service. They further intimated that fresh RSMB/Government Sanction is required for the grant of disability element which has not been submitted along with the claim.</p> <p>The officer further states that after receiving aforesaid letter, the respondents have now decided to file Leave to Appeal against the decision dated 05.04.2021 of this Tribunal.</p> <p>No Leave to Appeal has been filed yet.</p> <p>The officer is directed to file his affidavit stating the reasons for non-implementation of the order within three days.</p> <p>List on 21.09.2022 on which date the officer shall remain present through Video Conferencing.</p> <p>Copy of this order be provided to the Ld. Counsel for the respondents/ AFT Legal Cell within two days for compliance.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 97 of 2021 Inre : O.A. No. 445 of 2020

Ex. Rfn. Harvir Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submits that Government Sanction is still awaited.</p> <p>In view of the above, four weeks further time is granted to file affidavit of compliance.</p> <p>List on 04.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 02 of 2022 Inre : O.A. No. 695 of 2020

Col. Sanjeev Agnihotri
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Gyanendra Kumar Pandey, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submitted that PPO has been generated.</p> <p>Affidavit of compliance annexing therewith copy of PPO and calculation sheet be filed within four weeks.</p> <p>List on 07.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1
Ex. A. No. 131 of 2022 Inre : O.A. No. 596 of 2018

Ex. Sep. Madappa Hasaraddi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Tribunal vide its order dated 11.12.2018 had directed respondents to decide the Mercy Petition dated 23.03.2016 of the applicant within a period of four months from the date of submission of the certified copy of the order by reasoned and speaking order.</p> <p>It is submitted by the Ld. Counsel for the respondents that after receipt of copy of order of this Tribunal by the concerned Records, the OIC Records processed the aforesaid Mercy Petition to the competent authority along with statement of case for grant of pension in respect of the applicant, however, the competent authority has returned the same with the following observations :-</p> <p>(a) <i>The income, movable/immovable property and family details certificates, to be issued by tehsil/Revenue office (not by notary/ advocate) and counter signed by BRO/ZSB.</i></p> <p>(b) <i>The income, movable/immovable property and family details to be verified in form of a verification cert by any local army unit.</i></p> <p>(c) <i>Age, education, occupation, income and marital status of dependants.</i></p> <p>(d) <i>Copy of OA No 596/2018 fixed in AFT Lucknow and order dated 11 Dec 2018.</i></p> <p>(e) <i>Copy of Misc Execution Application filed for non-compliance of AFT order.</i></p> <p>We have gone through the observations made by the competent authority while returning Mercy Petition and we find that Mercy Petition could not be returned on the basis stated above. The Mercy Petition has to be decided on the basis of facts stated therein and not otherwise. It appears that competent authority has returned the Mercy Petition on unsustainable and unwarranted grounds which is not acceptable. The competent authority is, therefore, directed to decide the Mercy Petition within a month without fail else he shall remain physically present before the Tribunal on the next date fixed to explain the reasons why necessary action be not taken against him for non-compliance of the order.</p> <p>List on 15.11.2022.</p> <p>Copy of this order be provided to the Ld. Counsel for the respondents/ AFT Legal Cell within two days for compliance.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 787 of 2021

Smt. Lekh Maya Gurung W/o Maj PB Gurung
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>No supplementary counter affidavit has been filed by the respondents No. 1 to 3 therefore, opportunity to file the same is closed.</p> <p>No counter affidavit has been filed by respondents No. 4 & 5 nor anyone is present on their behalf. The O.A. shall proceed ex parte against them.</p> <p>List on 10.11.2022 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 863 of 2021

Ex. Sub Narendra Pal Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the applicant two weeks further time is granted to file rejoinder affidavit as a last chance.</p> <p>List on 10.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 72 of 2022

Smt. Suman Sambhaji Gavale W/o Ex Hav GS Jaganath Gavale Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing no one is present on behalf of the applicant.</p> <p>Dr. Gyan Singh, Ld. Counsel for the respondents is present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Heard arguments of learned counsel for the respondents.</p> <p>Original Application is dismissed on merit.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed off.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

