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

O.A. No. 494 of 2022

Ex. Nk. Laxman Saini 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
	14.11.2022 **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 Dr. S.N. Pandey, 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. 493 of 2022

Ex. Nb. Sub. Ram 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
	14.11.2022 **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 Virat Anand Singh, Shri Sher Bahadur Yadav and Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, 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. 484 of 2022

Ex. Hav. Inder Pal 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
	14.11.2022 **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 Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, 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. 655 of 2022

Ex. Sub. Maj. (Hony. Lt.) Vinod 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, 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. 875 of 2022 with M.A. No. 1080 of 2022

Ex. Hony. Nb. Sub. Krishan 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri D.K. 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 and Shri Anshuman Srivastava, Ld. Counsel for the applicant and Shri D. K. Pandey, Ld. Counsel for the respondents. There is a delay of 10 years, 04 months and 24 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 875 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 **02.01.2023** for exchange of pleadings. List the matter before Tribunal on **02.03.2023.** **(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. 922 of 2022 with M.A. No. 1132 of 2022

Ex. Hav. Arvind Kumar Pandey 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Pushpendra 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, Ld. Counsel for the applicant and Shri Pushpendra 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 23 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 922 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 **02.01.2023** for exchange of pleadings. List the matter before Tribunal on **02.03.2023.** **(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. 923 of 2022 with M.A. No. 1135 of 2022

Ex. Sub. Amar Nath Yadava 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next. Heard Shri Shiv Kumar Saroj, Ld. Counsel for the applicant and Ms. Anju Singh, 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 month and 02days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. **O.A. No. 923 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 **02.01.2023** for exchange of pleadings. List the matter before Tribunal on **02.03.2023.** **(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. 924 of 2022 with M.A. No. 1136 of 2022

Ex. Nk. Vijay Bahadur Chauhan 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Major Sini Thomas, Departmental Representative of the respondents. There is a delay of 08 years, 06 months and 15 days in filing of Original Application. It is submitted by the Ld. Counsel for the applicant that limitation is not applicable in pensionary matters. It is further submitted delay in filing of Original Application is not deliberate. Cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 924 of 2022** This Original Application has been filed for the grant of service pension for the services rendered by the applicant in Defence Security Corps (DSC). It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 31.12.1973 and discharged from service on 31.12.1995 after completing 22 years of service for which he is being paid service pension from Army. Thereafter, applicant was re-enrolled in Defence Security Corps (DSC) on 29.12.1997 and discharged from DSC service on 31.10.2011 after completing service of 13 years, 10 months and 02 days of service in low medical category. It is further submitted that since applicant has rendered 13 years, 10 months and 02 days of service in DSC, the same may be rounded off to 14 years and after condoning the shortfall of one year in view of Regulation 44 of the Pension Regulations for the Army, 2008, (Part I), Government of India, Ministry of Defence letter dated 14.08.2001 and ADGPS letter dated 26.09.2003 and Judgment dated 20.01.2015 of the Hon'ble Apex

	Court in the case of ***Union of India Vs. Surender Singh Parmar*** in Civil Appeal No.9389 of 2014, applicant should be granted service pension for the services rendered in DSC treating his services to be 15 years. Case needs adjudication. Admit. Issue notice to the respondents. Major Sini Thomas, Departmental Representative has accepted notice on behalf of the respondents, service of notice is waived. Respondents to file Counter Affidavit within four weeks. Thereafter, Rejoinder Affidavit, if any, may be filed within two weeks. List the matter before Registrar on **02.01.2023** for exchange of pleadings. List the matter before Tribunal on **02.03.2023.** **(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. 925 of 2022 with M.A. No. 1137 of 2022

Ex. Sub. Maha Ram 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
	14.11.2022 **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. Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Ms. Preeti Mala , Ld. Counsel for the respondents. **M.A. No. 1137 of 2022** There is a delay of 25 years, 01 month and 17 days in filing of Original Application. It is submitted by the Ld. Counsel for the applicant that delay in filing of Original Application is not deliberate. Further, limitation is not applicable in pensionary matters. Cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off. **O.A. No. 925 of 2022** It is submitted by the Ld. Counsel for the applicant that applicant was discharged from service in low medical category for which he is in receipt of disability element of pension @30% from the date of discharge i.e. 31.03.1997. It is further submitted that in view of Government of India, Ministry of Defence letter No. 1(2)/92/D (Pen-C) dated 31.01.2001 disability element was supposed to rounded off to 50%, however, the same was not done in the case of applicant, hence, this Original Application. Ld. Counsel for the respondents submits that broad banding is permissible in case where individual is discharged from service being invalided out and not in the

	case of normal discharge. She further submits that even for providing the benefits of broad banding no further authorization is required, as per Para 7 of Circular No. 596 dated 09.02.2018 the pension disbursing authorities can grant the benefit of broad banding without any further authorization. She further submits that Pension Disbursing Authority is necessary party, therefore, direction be issued to the applicant to implead him in the Original Application. In view of the above, applicant is directed to implead Pension Disbursing Authority as party in the Original Application, for which steps may be taken within two weeks. List on **02.01.2023.** **(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. 926 of 2022 with M.A. No. 1138 of 2022

Smt. Phool Kumari 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Shyam 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 Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents. **M.A. No. 1138 of 2022** This is an application for condonation of delay of 35 years, 02 months and 16 days in filing of Original Application. Ld. Counsel for the applicant submits that delay in filing of Original Application is not deliberate. Further pensionary benefits cannot be denied on the ground of delay. Ld. Counsel for the respondents submits that long delay of more than 35 years in filing of Original Application 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. 926 of 2022** Ld. Counsel for the applicant submits that applicant is the wife of No.2949141 Late Hav./Hony. Nb. Sub. Kishan Pal Singh, who was enrolled in the Indian Army on 28.02.1961 and discharged from service with effect from 01.03.1985 in the rank of Havildar. The husband of the applicant died on 23.04.1995 after which applicant is in receipt of family pension of the rank of Havildar while her husband was

	conferred the rank of Honorary Naib Subedar after his retirement vide letter dated 16.07.1986 and, in view of that, applicant is entitled to family pension of the rank of Honorary Naib Subedar with effect from 01.01.2006 in view of Government of India, Ministry of Defence, Department of Ex-servicemen Welfare, New Delhi letter No.1(8)/2008-D (Pen/Policy) dated 12.06.2009 and Circular No. 631 dated 05.03.2020 issued by the Principal Controller of Defence Accounts (Pension), Prayagraj. Case needs adjudication. Admit. Issue Notice to the respondents. Shri Shyam Singh, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived. 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 **02.01.2023** for exchange of pleadings. List the matter before Tribunal on **02.03.2023.**. **(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. 927 of 2022 with M.A. No. 1139 of 2022

Smt. Munni Devi 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Shri Anurag Mishra, Advocate has appeared on behalf of the respondents and submits that he will file Memo of Appearance in the registry during the course of the day. Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents. This Original Application has been filed for the grant of arrears of service pension. There is a delay of 14 years, 04 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. 927 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 **02.01.2023** for exchange of pleadings. List the matter before Tribunal on **02.03.2023.** **(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. 928 of 2022 with M.A. No. 1040 of 2022

Ex. Sep. Ravi Kant 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
	14.11.2022 **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 V.P. Pandey and Shri Rakesh Kumar Singh, 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 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. 928 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 **02.01.20223** for exchange of pleadings. List the matter before Tribunal on **02.03.2023.** **(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. 344 of 2022 Inre : O.A. No. 853 of 2021

Ex. Nk. Roop Chand Kuril 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Kaushik Chatterjee, 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. On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present. This application has been filed for implementation of order dated 17.05.2022 of this Tribunal in Original Application No. 853 of 2021 by which respondents were directed to grant second service pension to the applicant from the date of discharge from DSC service within a period of four months from the date of order. Ld. Counsel for the applicant submits that order has not been complied yet. Ld. Counsel for the respondents seeks four weeks time to seek instruction regarding compliance. List on **23.01.2023**. **(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

Diary No. 2565 of 2022

Smt. Pushpa Devi W/o Ex. Sub. Vijay Kumar Shukla 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
	14.11.2022 **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 nor the defect has been removed. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present and he submits that application may be dismissed for non-prosecution. No one was present on behalf of the applicant on 06.10.2022 when the case was taken up for hearing. This shows that applicant has no interest in prosecuting the case. In the result, case is dismissed for non-prosecution. **(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. 81 of 2019 Inre : O.A. No. 236 of 2018

Ex. Hav. (Hony. Nb. Sub.) Phool 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
	14.11.2022 **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 and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj. Report regarding service of Bailable Warrant has not been received yet. Registry is directed to write a letter to Chief Judicial Magistrate, Jhunjhunu, Rajasthan asking for his report by the next date fixed. 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
Ex. A. No. 49 of 2021 Inre : O.A. No. 98 of 2020

Ex. Sub. Dil Shad Ahmad 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
	14.11.2022 **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 R.C. Shukla, Ld. Counsel for the respondents and Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present. Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj submits that in regard to cases prior to 01.01.2016 some technical problem is being faced in generation of PPO, therefore, three months further time be granted to make compliance of the order. The order to be implemented is dated 03.03.2021 and Government Sanction for implementation of order has been accorded on 24.03.2022. Keeping in view the facts and circumstances of the case and also the submission made by Shri Tiwari, the respondents are granted eight weeks further time to make compliance of the order failing which Principal Controller of Defence Accounts (Pension), Prayagraj shall remain physically present in Tribunal on the next date fixed to explain why necessary action be not taken against him for non-compliance of the order. Respondents are further directed to deposit the cost by the next date fixed else they shall be liable to pay interest thereon. 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

Ex. A. No. 91 of 2021 Inre : O.A. No. 628 of 2020

Smt. Asha Devi (M/o Late ex. Sigmn. Kapil Kumar) & Another 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rama Kant, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents assisted by Major Tarun, Departmental Representative of the respondents. Major Tarun, Departmental Representative of the respondents submits that matter pertaining to Government Sanction is under active consideration, three weeks further time be granted which is allowed. Respondents are directed to deposit the cost due against them by the next date fixed. List on **12.01.2023**. **(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. 25 of 2022 Inre : O.A. No. 47 of 2021

Ex. Sub. (Clk. SD) Gaikwad Sayaji Dadaso 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Ashok Singh, Ld. Counsel for the applicant, Shri Ashish Kumar Singh, Ld. Counsel for the respondents and Major Philip J.C., Senior Record Officer, SIKH LI Records, who is connected through Video Conferencing. Major Philip J.C. states that department has been advised to file a Review Application against the decision of this Tribunal, hence, the order could not be complied with. He further states that Review Application has been filed on 07.10.2022, but he is not aware as to what order has been passed thereon. On perusal of records, it appears that Review Application No. 89 of 2022, which arises out of the order to be implemented, was taken up for hearing on 11.10.2022 and the same has been rejected. Thus, so far as Review Application is concerned, the same has been disposed off and there is no hurdle in implementation of the order. Respondents are directed to make compliance of the order within four weeks. List on **02.01.20213**. 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. 134 of 2022 Inre : O.A. No. 261 of 2021

Ex. Hav. Hemraj 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
	14.11.2022 **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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj. Ld. Counsel for the respondents submits that in compliance of the order PPO dated 29.09.2022 and Corrigendum PPO dated 02.10.2022 have been issued. Applicant is receiving service element @Rs.25,050/- and disability element @Rs.7,515/- per month since October, 2022. Thus, he submits that order has been complied with. 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. 298 of 2022 Inre : O.A. No. 518 of 2021

Ex. Gnr. Pramod 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Ms. Chhavi Yadav, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj. Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj states that in compliance of the order PPO has been generated on 29.09.2022 by which applicant has been allowed to get service element @Rs.20,475/- per month and disability element @Rs.9,214/- per month w.e.f. 06.07.2019 and commutation amounting Rs.16,31,476/- has already been paid to the applicant. An affidavit of compliance has also been filed by the respondents, which is taken on record. In regard to above, Ld. Counsel for the applicant seeks and is allowed a week time to confirm. List on **09.12.2022**. **(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

M.A. No. 1849 of 2018 Inre : O.A. No. (Nil) of 2018

Ex. Sep. Raj 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
	14.11.2022 **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 A.K. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Shri Rahul Mishra and Shri Yashpal Singh, Ld. Counsel for the respondents are present. Counter Affidavit filed on behalf of respondent No. 5 is taken on record. List on **24.02.2023**. **(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

O.A. No. 206 of 2018 with M.A. No. 780 of 2019

Sep. R. Vinoth 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
	14.11.2022 **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 Maj. R.D. Singh (Retd.), Ld. Counsel for the applicant and Shri D.K. Pandey, and Shri Rahul Singh, Ld. Counsel for the respondents are present. List on **24.02.2023**. **(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

O.A. No. 272 of 2019

Sandeep Kumar 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
	14.11.2022 **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 Pratyush Chaube, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. List on **24.02.2023**. **(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

O.A. No. 569 of 2019

Gurupeej Singh & Another Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	14.11.2022 **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 Prabhat Kumar Tripathi, Ld. Counsel for the applicants and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. List on **24.02.2023**. **(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

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

Lt. Col. Sandeep Sharma 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
	14.11.2022 **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 Soma Pandey and Shri Shashank Dwivedi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. List on **24.02.2023**. **(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

O.A. No. 44 of 2021

Nk. Sanjay 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
	14.11.2022 **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 Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. List on **24.02.2023**. **(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

O.A. No. 247 of 2021 with M.A. No. 247 of 2021

Cpl. Amit 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
	14.11.2022 **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 Raj Kumar Mishra, Shri Karuna Kant Upadhyay and Shri Abhay Kant Upadhyay, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. List on **24.02.2023**. **(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

O.A. No. 311 of 2021

Smt. Chandrakanta W/o Hav. Krishan 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
	14.11.2022 **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 Satendra Kumar Singh and Shri Shailendra Kumar, Ld. Counsel for the applicant and Major Sini Thoams, Departmental Representative for the respondents are present. List on **24.02.2023**. **(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

O.A. No. 392 of 2021

L/Nk. Ravindra Nath Bind 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
	14.11.2022 **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 Major Sini Thomas, Departmental Representative for the respondents are present. Supplementary Affidavit filed by the applicant is taken on record. List on **24.02.2023**. **(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

O.A. No. 398 of 2021 with M.A. No. 397 of 2021 and M.A. No. 398 of 2021

Gnr. Virpal 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
	14.11.2022 **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 Abhay Kant Upadhyay, Shri Karuna Kant Upadhyay and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present. List on **24.02.2023**. **(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

O.A. No. 582 of 2021

Cpl. Pawan 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Raj Kumar Mishra, Ms. Upasna Mishra and Shri Ankit Tiwari, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that earlier the maintenance allowances was being deducted from the salary of the applicant for payment of the same to his wife. Thereafter, Principal Judge, Family Court, Sagar, Madhya Pradesh has granted interim maintenance allowance to the applicant @Rs.15,500/- per month as well as one time litigation cost @Rs.8,000/- vide its order dated 20.10.2021 in case No. RCS HM 53/2021, Smt. Nisha Rai Vs. mr. Pawan Rail, till finalization of the case. He further submits that in view of the order passed by the Principal Judge, Family Court, Sagar, Madhya Pradesh now deduction from the salary of the applicant towards maintenance allowance to his wife has been stopped by the respondents. A copy of the order dated 20.10.2021 of Principal Judge, Family Court, Sagar, Madhya Pradesh has been filed along with Counter Affidavit filed by the respondents. Ld. Counsel for the applicant admits the facts that in view of order dated 20.10.2021 passed by the Principal Judge, Family Court, Sagar, Madhya Pradesh now maintenance allowance which was earlier being deducted from the salary of the applicant by the respondents has been stopped. In view of the above, it appears that now nothing is being deducted from the salary of the applicant towards maintenance allowance to be paid to his wife, as such the Original Application has rendered infructuous and is liable to be dismissed as such. Accordingly, Original 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

O.A. No. 738 of 2021

Hav. (Amb. Asst.) Madhav 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Supplementary Counter Affidavit filed by the respondents is taken on record. None being present on behalf of the applicant to advance arguments, we have heard Shri Vishwesh Kumar, Ld. Counsel for the respondents only. This Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for setting aside the order of severe reprimand dated 25.05.2021 passed in summary trial. A preliminary objection has been raised by the Ld. Counsel for the respondents on the premise that Original Application filed under Section 14 of the Armed Forces Tribunal Act, 2007 against the order of severe reprimand awarded in summary trial is not maintainable. For this he has referred Section 3(o) of the Armed Forces Tribunal Act, 2007 which deals with "service matters" in relation to the persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950 which reads as under :- *"3(o) "service matters", in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include –* *(i) remuneration (including allowances), pension and other retirement benefits;*

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) Any other matter, whatsoever,

but shall not include matters relating to –

(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and

(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950).

(iii) leave of any kind;

(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months;"

On reading Section 3(o) (iii) of the Armed Forces Tribunal Act, 2007 it appears that summary disposal and trials where the punishment of dismissal is awarded have only been included in the definition of "service matters" not any other punishments. Admittedly, in the case in hand, applicant has been awarded the punishment of severe reprimand in summary trial, which in view of definition of "service matters" given in Section 3(o) of the Armed Forces tribunal Act, 2007 does not fall in the purview of "service matters. Therefore, Original Application filed against such order in the Tribunal is not maintainable and Original Application is liable to be dismissed as such.

Accordingly, Original Application is **dismissed**.

(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

Diary No. 2787 of 2022

Ex. Rect. Ram Moorat Yadav 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Ld. Counsel for the applicant submits that he is suffering from Dengue, as such he could not filed application for condonation of delay. He seeks two weeks time to file the application for condonation of delay, which is allowed. List on **09.12.2022**. **(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. 653 of 2022

Ex. Sgt. Mukesh Goswami & Others Applicants
By Legal Practitioner for the Applicants

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	14.11.2022 **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 Shiv Nath Goswami and Shri Dilip Kumar Goswami, learned counsel for the applicants and Shri J.N. Mishra, learned counsel for the respondents. Learned Counsel for the applicants submits that after the Six Central Pay Commission, the Central Government fixed 1st July, as the date of increment for all Government Employees, thereafter, the applicants being enrolled in the Indian Air Force and retired on 30.06.2022 are entitled for grant of last increment due on 01.07.2022 as per decision of the Hon'ble Madras High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in OA No. 272 of 2022, **Ex Sgt. Chanda Basha Syed vs. Union of India & Others**, decided on 27.05.2022. On the other hand, Ld. Counsel for the respondents contended that the applicants had served for complete one year from the date of their last annual increment, but they had not been granted annual increment as on the date of their discharge i.e. 30.06.2022 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2022. Therefore, benefit of the Hon'ble Madras High Court order being *in personam* cannot be extended to the applicants and hence, Original Application is liable to be dismissed. The law on notional increment has already been settled by the Hon'ble

Madra High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-

> *"5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.*
>
> *6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep. by its Secretary to Government, Finance Department and others v. M. Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.*
>
> *7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs."*

In view of law laid down by the Hon'ble Madras High Court, upheld by the Hon'ble Apex Court, we are of the view that since the applicants had completed one full year service as on 30.06.2022, but the increment fell due on the next day of their retirement 01.07.2022, on which date they were not in service, they have to be treated as having completed one full year of service.

In view of the above, the Original Application is **allowed**. The impugned

	order, if any, is set aside. The applicants shall be given one notional increment for the period from 01.07.2021 to 30.06.2022, as they have completed one full year of service, though their increment fell on 01.07.2022, for the purpose of pensionary benefits and not for any other purpose. The respondents are directed to issue fresh Corrigendum P.P.Os. to all twelve applicants accordingly, subject to verification of facts. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment. Let a 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)** SB

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

O.A. No. 215 of 2022

Ex MWO Bhave Sujeet Shriram 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
	14.11.2022 **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.K. Pandey, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Counter affidavit filed on behalf of the respondents is taken on record. Shri P.K. Shukla, learned counsel for the applicant is said to be ill. List on **14.12.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 234 of 2022

Ex. Sep Nayan 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
	14.11.2022 **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 Wg Cdr S.N. Dwivedi (Retd), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. Rejoinder affidavit has been filed by the applicant which is taken on record. As prayed by learned counsel for the applicant, list on **19.01.2023** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 282 of 2022

Ex. Sub Adam Ali 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
	14.11.2022 **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 and Shri D.K. Pandey, Ld. Counsel for the respondents are present. Learned counsel for the respondents states that counter affidavit has been filed in the Registry, however, the same is not available on record. Learned counsel for the respondents is therefore, directed to check it from Registry and if the same is not available, get it filed within a week failing which opportunity shall stand closed. List on **16.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 333 of 2022

Col. Amitabh 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
	14.11.2022 **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 Tanay Hazari and Shri Jharna Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Counter affidavit filed on behalf of respondents No. 5 & 6 is taken on record. List alongwith maintenance allowance matters fixed on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 358 of 2022 with M.A. No. 1056 of 2022 & M.A. No. 408 of 2022

Smt. Ram Maya Ghale W/o Late ex. Nk Dambar Bahadur Ghale 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
	14.11.2022 **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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Objection to amendment application filed by the respondents is taken on record. As prayed by learned counsel for the applicant, List on **16.11.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 363 of 2022

Hav. Raju 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
	14.11.2022 **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 Prabhat Kumar Tripathi, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. List alongwith maintenance allowance matters fixed on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 406 of 2022

Ex. Sgt. Harsh Vardhan Sharma 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
	14.11.2022 **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 Sudhir Kumar Singh and Shri Abhishek Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. On the request of learned counsel for the respondents two weeks further time is granted to file counter affidavit as a last chance. List on **19.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 504 of 2022

Ex. Hav. Nahar 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
	14.11.2022 **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 Arun Kumar Sahu, Ld. Counsel for the respondents are present. On request of learned counsel for the respondents, three weeks further time is granted to file counter affidavit as a last chance. List on **09.12.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 650 of 2022

Gp Capt Ramesh Chandra Prasad (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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Raj Kumar Mishra, Shri Kapil Sharma and Shri Gopal Dwivedi, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents. Learned Counsel for the applicant submits that after the Six Central Pay Commission, the Central Government fixed 1st July, as the date of increment for all Government Employees, thereafter, the applicant being commissioned in the Indian Army on 01.05.1986 and retired on 30.06.2018 is entitled for grant of last increment due on 01.07.2018 as per decision of the Hon'ble Madras High Court in the case of ***P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others*** (W.P. No. 15732 of 2017, decided on 15.09.2017). On the other hand, Ld. Counsel for the respondents contended that the applicant had served for complete one year from the date of his last annual increment, but he had not been granted annual increment as on the date of his retirement i.e. 30.06.2018 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2018. The law on notional increment has already been settled by the Hon'ble Madra High Court in the case of *P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others* (Supra). Against the said Judgment the Union of India had preferred Special Leave Petition (Civil) Diary

No.22282 of 2018 which was dismissed by the Hon'ble Supreme Court vide order dated 23.07.2018. The relevant portion of the Judgment passed by the Hon'ble Madras Court is excerpted below:-

> *"5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, ie., from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.*
>
> *6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep.by its Secretary to Government, Finance Department and others v. M.Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.P.No.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.*
>
> *7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs."*

In view of law laid down by the Hon'ble Madras High Court, upheld by the Hon'ble Apex Court, we are of the view that since the applicant had completed one full year service as on 30.06.2018, but the increment fell due on the next day of his retirement 01.07.2018, on which date he was not in service, he has to be treated as having completed one full year of service.

In view of the above, the Original Application is allowed. The impugned order 29.06.2022 is set aside. The applicant shall be given one notional increment for the period from 01.07.2017 to 30.06.2018, as he has completed one full year of service, though his increment fell on 01.07.2018, for the

	purpose of pensionary benefits and not for any other purpose. The respondents are directed to issue fresh Corrigendum P.P.O. accordingly. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment Let a 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)** **SB**

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

O.A. No. 682 of 2022 with M.A. No. 855 of 2022

Ex. Cpl Arun 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Wg. Cdr S.N. Dwivedi (Retd), Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. This application has been filed for the grant of reservist pension to the applicant with alternative prayer to special pension also to be made to him. It is submitted that applicant was enrolled in the Indian Air Force on 05.11.1962 for 9 years colour service and 6 years reserve service. He was allowed to serve 10 years and 305 days and thereafter, he was not transferred to reserve liability in view of the decision taken in the meeting of Commanders of the Air Force in the year 1972. Learned counsel for the applicant submits that applicant's case is squarely covered by the decision dated 12.05.2022 of AFT (PB), New Delhi in the case of **Corporal Kandaswamy T vs. Union of India & Ors** and also in terms of Regulation 144 of Pension Regulations for the Air Force, 1961. In regard to delay, learned counsel for the applicant submits that limitation is not applicable in pensionary matters and pension cannot be denied on the ground of delay. Learned counsel for the respondents has vehemently opposed the prayer on the premise that there is delay of 42 years, 04 months and 02 days (Total 15452 days) in filing the application regarding which no satisfactory explanation has been offered by the applicant. In the case of delay, applicant

	has to offer explanation on day to day basis which he has completely failed. Upon hearing submissions of learned counsel of both sides and considering the facts and circumstances of the case, we are of the view that pensionary benefits cannot be denied on the ground of delay therefore, delay in filing Original Application is condoned. Case needs adjudication. Admit. Issue notice to the respondents. Shri Rajiv Pandey, Advocate has accepted notice on behalf of all the respondents therefore, service of notice is waived. Respondents may file counter affidavit within four weeks. Thereafter, applicant will have two weeks time to file rejoinder affidavit, if any. List on **02.01.2023** before Registrar Court for exchange of pleadings and list before this Court on **02.03.2023.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 724 of 2022

Sep/Dvr (MT) Surya Pratap 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
	14.11.2022 **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 No. 1 to 5 are present. On request of learned counsel for the respondents No. 1 to 5 two weeks further time is granted to file counter affidavit. No one is present on behalf of the respondent No. 6 despite service of notice not being held sufficient to her. Case will proceed ex-parte against her. List on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A.(A) No. 487 of 2021

Ex.Wg Cdr Sushil Bajpai 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
	14.11.2022 **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 S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that counter affidavit in the case will be filed during this week. Counter affidavit may be filed after serving its copy to learned counsel for the applicant who after receipt of counter affidavit will have two weeks time to file rejoinder affidavit, if any. List on **03.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

R.A. No. 9 of 2022 Inre O.A. No. 107 of 2021

Ex. Sep Dhananjay 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
	14.11.2022 **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 Arvind Kumar Pandey, Ld. Counsel for the respondents are present. On request of learned counsel for the respondents three weeks further time is granted to file objection. List on **04.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

T.A. No. 84 of 2012

Narendra Kuamr 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
	14.11.2022 **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 Virat Anand Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present. Case needs physical hearing. List on **24.01.2023** for physical hearing. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

M.A. No. 937 of 2019 with M.A. No. 749 of 2022 Inre O.A.(Nil) of 2019

Sep. Vijay Badavanmath 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
	14.11.2022 **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 Wg. Cdr. Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. List alongwith maintenance allowance matters fixed on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 361 of 2012 with M.A. No. 452 of 2019

Sangeeta Devi 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
	14.11.2022 **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 S.K. Singh, Ld. Counsel for the applicant and Shri R.K.S Chauhan and Shri D.S. Tiwari, Ld. Counsel for the respondents are present. List alongwith maintenance allowance matters fixed on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 95 of 2017

Ganganjot Kaur 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
	14.11.2022 **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.Misra, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents No. 1 to 4 and Shri Ram Kumar Verma, learned counsel for the respondent No. 5 are present. Learned counsel for the respondent No. 5 states that decree of divorce between the applicant and respondent No. 5 has been passed by the court, therefore, application should be dismissed being infructuous. Judgment regarding decree of divorce has not been brought on record by respondent no. 5, therefore, he is directed to bring the said judgment on record by way of affidavit within three weeks. List on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 328 of 2017

Pradeep 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
	14.11.2022 **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 Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. It is informed by Shri Ashok Singh, learned counsel that applicant has died. Steps for substitution be taken. List on **03.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 473 of 2017

Amit 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
	14.11.2022 **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 Kaushik Chatterjee, Ld. Counsel for the respondents are present. List alongwith maintenance allowance matters fixed on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 73 of 2018

Smt. Bobby Devi 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
	14.11.2022 **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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri R.C Shukla, Ld. Counsel for the respondents are present. List alongwith maintenance allowance matters fixed on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 191 of 2018

Sandeep 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
	14.11.2022 **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. Misra, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present. List alongwith maintenance allowance matters fixed on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 558 of 2018

NK (Amb Asst) Ram Prasad Ahirwar 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
	14.11.2022 **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 Amit Jaiswal, Ld. Counsel for the respondents are present. List on **25.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 384 of 2019

Sep Bharat Babu Kokare 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
	14.11.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** None appears for the applicant. Dr. Shailendra Sharma Atal, learned counsel appearing for the respondents submits that Original Application should be dismissed being not maintainable in this Tribunal as neither applicant resides nor the office of the officer who passed the order directing deduction of maintenance allowance from the salary of the applicant is situated within the territorial jurisdiction of this Tribunal. Applicant may file reply to the above, if any, within two weeks. List on **24.02.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 120 of 2020

Smt. Anita Singh W/o Late Ex. NK Indrajeet Singh & Others 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
	14.11.2022 **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 D.K. Pandey, Ld. Counsel for the respondents are present. As prayed, list on **23.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 12 of 2021

Smt. Phulmaya Lamichhane
W/o Nk (Late) Hari Bahadur Gurung 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
	14.11.2022 **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 Veer Raghav Chaubey and Shri Revi Raghavan, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that first wife of the applicant is still alive. Let these facts be brought on record by way of affidavit within two weeks. List on **25.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**

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

O.A. No. 245 of 2022

Nb Sub Ram 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
	14.11.2022 **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 Wg. Cdr S.N. Dwivedi (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. As prayed, list on **20.01.2023**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** **SB**