O.A. No. 610 of 2021

Ex. Rect. Narendra Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	15.02.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms.
	Preeti Mala, Ld. Counsel for the respondents.
	Original Application is dismissed .
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

M.A. No 137 of 2022 Inre Ex.A. No 11 of 2022 Inre O.A. No 619 of 2021

Brig Javed Iqbal

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Practitioner for Respondents
Orders of the Tribunal
15.02.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
Objection against maintainability on interim relief application is taken or
record.
Heard Shri R Chandra and Shri KC Ghildiyal, Ld. Counsel for the
applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents
assisted by Maj Sini Thomas, Departmental Representative.
In continuance of Execution Application No 11 of 2022, arising out o
order dated 07.01.2022 passed in O.A. No 619 of 2021, by which the O.A
has been allowed and respondents have been directed to promote the
applicant as Maj Gen (Litigation) in Judge Advocate General's Branch w.e.f.
05.05.2021, this application has been filed for interim relief to the effect
restraining respondents from retiring the applicant from service wef 28.02.2022
in the rank of Brig on attaining the age of superannuation of 56 years.
Learned counsel for the applicant submits that execution application has
been filed by the applicant for implementation of order dated 07.01.2022
passed in O.A. No 619 of 2021. This application was listed for hearing on
28.01.2022 alongwith the application for review filed on behalf of respondents.
The leave to appeal was dismissed and hearing in execution application was

adjourned to 07.03.2022 on the ground that respondents wanted to file appeal

against the decision of Tribunal in the Original Application. He further submits

that applicant is due for retirement on 28.02.2022 in the present rank. He had filed a writ petition in Hon'ble Apex Court seeking direction to the respondents to implement the order dated 07.01.2022 passed in O.A. and to promote him to the rank of Maj Gen before his retirement. The Hon'ble Apex Court was, however, of the view that as applicant has already filed Execution Application in the Tribunal, he should pursue the same before the Tribunal. The application was, therefore, dismissed as withdrawn.

Learned counsel for the applicant further submits that on promotion to the rank of Maj Gen the applicant shall be able to serve for one year more. However, the respondents, with a view to make the order dated 07.01.2022 passed in O.A. No 619 of 2022 infructious, are purposely delaying the filing of appeal before the Hon'ble Apex Court, as they are aware that applicant will retire from service on 28.02.2022 in the rank of Brig. He submits that issuing of interim relief is necessary, as if it is not done, order passed in the O.A. would be rendered infructuous.

In support, the applicant has placed reliance on the order dated 26.11.2021 passed by the Principal Bench, Armed Forces Tribunal, New Delhi in *O.A. No 1883 of 2021, Maj Gen Rajiv Mohan Gupta Vs Union of India & Ors* wherein Principal Bench has kept the retirement of the applicant therein in abeyance, till decision of the competent authority on promotion board and order dated 03.09.2020 of the Principal Bench in the case of *Brig KK Nandwani Vs Union of India and others* passed in O.A. No 996 of 2020 and M.A. No 1247 of 2020, wherein the Principal Bench has directed the respondents therein not to retire the applicant till declassification of the result of promotion board. Applicant has further placed reliance on the order dated 19.11.2018 of the Principal Bench in the case of *Maj Gen VK Singh Vs. Union of India and others* passed in M.A. No 2051 of 2018 & M.A. No 1945 of 2018 in O.A. No 1023 of 2018 wherein retirement of the applicant has been kept in abeyance till such time the direction contained in paragraph 30 of the order dated 05.10.2018 in O.A. No 1023 of 2018 is complied with.

In regard to objection raised by the respondents, learned counsel for the

applicant submits that Rule 45 of Armed Forces Tribunal (Practice) Rules, 2009 is not applicable in the present matter. Rule 45 is applicable in pending cases when hearing of the case is required out of turn whereas hearing in the instant case is taking place on its turn, therefore, there is no need to file early hearing application as required in the rule.

In reply, learned counsel for the respondents submits that in view of Rule 45 of The Armed Forces Tribunal (Practice) Rules, 2009, which mandates that early hearing of the case is permissible with leave of Chairperson or in his absence the Vice Chairperson nominated by him in the case of the Principal Bench and before the Vice Chairperson and in his absence before the senior most available Member in the case of Regional Bench. He submits that leave may be sought by filing application before the Principal Bench or Regional Bench, as the case may be, citing reason therein for early hearing. He further submits that instant application for interim relief has been filed in execution application which is listed for hearing on 07.03.2022 and, since early hearing is permitted with leave of Regional Bench only which has not been sought, it deserves to be dismissed.

We have perused Rule 45 of the Armed Forces Tribunal (Procedure) Rules, 2009 (in short 'Rules') which deals with early hearing of the cases. It reads (1) If early hearing of a case out of turn is required, the party or legal practitioner shall make an application stating the reasons thereof in Form No 10, after serving copy thereof to the other party or parties. (2) The application shall, if in order, be listed before the Bench headed by the Chairperson or in his absence the Vice chairperson nominated by him in the case of the Principal Bench and before the Vice Chairperson and in his absence before the senior most available Member for orders in the case of other Benches.

On careful reading of the Rule it appears that it is applicable in pending cases when out of turn hearing is required. However it has no application if a new case/ application is filed and it comes for consideration on its own turn, even if it is in continuation to any earlier application, pending or decided.

With above view of matter we find that though present application for

interim relief has been filed in continuation to execution application, but being a new application and relief claimed therein being not in regard to implementation of order for which execution application has been filed, Rule 25 of the Rules has no application in it. Further, interim relief application cannot be held not maintainable for want of early hearing application nor it can be dismissed on this reason, as said in the objection filed by the respondents.

As regards relief claimed in application, the factual position is that original application filed by the applicant for the grant of promotion to the rank of Maj Gen (Litigation) in Judge Advocate General's Branch has been allowed and respondents have been directed to promote applicant to the higher rank wef 05.05.2021. In regard to implementation of the order, applicant has filed execution application which was listed for hearing on 28.01.2022 and was adjourned to 07.03.2022 in view of provisions of appeal laid down under Section 31 of the Armed Forces Tribunal Act. After this, applicant approached the Hon'ble Apex Court for the implementation of the order by filing a writ petition under Article 32 of the Constitution of India which was dismissed as withdrawn on the premise that applicant can pursue the remedy in execution application. It is after this order the applicant has filed this application seeking a restraint order against the respondents from retiring him in the rank of Brig on completing the age of 56 years. The reason behind seeking the relief is that applicant is apprehending that if respondents are not restrained and applicant is made to retire on 28.02.2022, the respondents will deliberately go slow in filing and pursuing the appeal which would then render the order dated 07.01.2022 in O.A. No 619 of 2021 infructuous with passage of time being reduced to a paper decree.

Upon hearing submissions of learned counsel of the parties we observe that since O.A. has been allowed and applicant's right regarding promotion has been crystallised by issuing directions to respondents to promote applicant to the post of Maj Gen wef 05.05.2021, the effect of the order would remain same as it exists today until reversed by a superior Court. This being the position of the order, we do not see reason to allow the prayer of interim relief which is

based on presumption only. The orders of the Principal Bench referred to in the application and relied upon during the course of hearing by the counsel for the applicant are distinguishable as in those cases the rights of the applicants therein with regard to promotion were not crystallised whereas it is not so in the instant case.

In view of the above, we find that the meaning and effect of the order dated 07.01.2022 passed in O.A. No 619 of 2021 is quite clear and needs no further clarification in the form of order as claimed in interim relief application.

Interim relief application is **disposed of** accordingly.

Copy of this order be provided to learned counsel for the respondents free of cost.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (J) Member (A) UKT/-

O.A. No. 616 of 2021 with M.A. No. 669 of 2021

Ex Sub Jitendra Prasad Tiwari

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents are present.
	The subject matter regarding maintainability of application in respect of AGIF is still pending before the Hon'ble Supreme Court. List on 10.05.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 656 of 2021

Ex Hav Sarabjeet Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
Registry	
	<u>15.02.2022</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion bio vice riammar ribitay reaginamatir real ve, member (77)
	On the case being taken up for hearing Shri Ashish Kumar Verma and
	Shri Arvind Thakur, Ld. Counsel for the applicant and Shri Kaushik Chatterjee,
	Ld. Counsel for the respondents alongwith Maj Sini Thomas, Departmental
	Representative are present.
	Maj Sini Thomas, Departmental Representative submits that counter
	affidavit could not be filed in the case due to personal difficulty of the counsel.
	She further submits to grant a week time to file counter affidavit which is
	allowed.
	List on 09.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 663 of 2021

Ex Sep Rajveer Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	15.02.2022
	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 Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	Learned counsel for the respondents submits that counter affidavit has
	been received after vetting and shall be filed in the Registry by tomorrow.
	Counter affidavit must be filed in the Registry by tomorrow failing which
	opportunity shall stand closed.
	List on 17.02.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 816 of 2021 with M.A. No. 963 of 2021

Brajesh Kumar & Others

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

(Justice Umesh Chandra Srivastava) Member (J)

By Legal Practitioner for Respondents

the Registry	Orders of the Tribunal
	15.02.2022 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 and Shri
	Girish Tiwari, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld.
	Counsel for respondent Nos. 1 to 3 and Shri Suraj Prakash Sherawat, learned
	counsel for respondent Nos. 4 & 5 are present.
	Counter affidavit filed by the respondent Nos. 1 to 3 is taken on record.
	Learned counsel for respondent Nos. 4 & 5 submits that counsel of the
	answering respondents was busy in the High Court in regard to some case that
	is why he could not connect with Tribunal when the case was taken up for
	hearing and in his absence the Tribunal was pleased to proceed the case
	exparte against them. He submits that in the circumstances stated above order
	be recalled and answering respondents be permitted to file counter affidavit.
	He further submits the counter affidavit may be filed within two weeks.
	In view of above, order dated 27.01.2022 directing case to proceed
	exparte against respondents No. 4 & 5 is recalled and respondents No. 4 & 5
	are permitted to file counter affidavit within two weeks.
	List on 21.03.2022 .

(Vice Admiral Abhay Raghunath Karve) Member (A)

SB

R.A. No. 98 of 2021 Inre O.A. No. 554 of 2018

Union of India & Others

Applicants

By Legal Practitioner for the Applicants

Versus

Smt. Poonam Devi W/o Late Ranbir Kumar & Other

Respondent

Notes of the Registry	Orders of the Tribunal
	15.02.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Rajiv Pandey, Ld. Counsel for the applicants (Respondents in O.A. No. 554 of 2018) and Shri Rang Nath Pandey, Ld. Counsel for the respondent (Applicant in O.A. No. 554 of 2018) assisted by Sqn Ldr. Ashutosh Pandey, Departmental Representative. During course of hearing, learned applicant's counsel submitted that in view of Circular No. 17(4)/2008/(20/D (Pen/Policy) dated 12.11.2008, the minimum qualifying service to earn service pension is 20 years and not 15
	years. He further submitted that since respondent's husband had rendered only 16 years and 263 days service, he was not entitled to service pension. In reply, learned respondent's counsel drew our attention to page 10 to the objection filed by the respondent to counter the above submission and said that term of engagement was only 15 years and not 20 years. To clarify the plea regarding term of engagement learned counsel for the applicants sought and allowed two weeks time to seek instructions. List on 16.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

T.A. No. 8 of 2021

Col. Shiv Balak Singh (Retd)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	<u>15.02.2022</u>
	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 bearing Shri Budro Broton Singh and
	On the case being taken up for hearing Shri Rudra Pratap Singh and
	Shri Alok Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh
	Agnihotri, Ld. Counsel for the respondents are present.
	As prayed four weeks further time is granted to respondents to file
	counter affidavit on condition that in event of default opportunity of filing
	counter affidavit will be closed.
	List on 24.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 85 of 2016

Mahendra Sharma

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022
	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 Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	The subject matter regarding maintainability of application in respect
	of AGIF is still pending before the Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 136 of 2017

Jyoti Yadav Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 Onkar Pandey, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present. As prayed, list on 22.04.2022 for physical hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 498 of 2017

Smt. Kavita Devi Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022
	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 KK Misra, Ld. Counsel for
	the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are
	present.
	The subject matter regarding maintainability of application in respect
	of AGIF is still pending before the Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	SB

O.A. No. 241 of 2018

Anuj Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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. Appoli Srivastava, Ld. Counsel for the
	respondents are present.
	The matter needs physical hearing.
	List on 31.03.2022 for physical hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) SB

O.A. No. 276 of 2018

Tejinder Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 Lalit Kumar, Ld. Counsel
	for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents
	are present.
	As prayed by learned counsel for the respondents the case is
	adjourned today.
	List on 24.03.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) Member (J)
	SB

O.A. No. 411 of 2018

Ex Rect Jitendra Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 Hanible Mr. Justice Umach Chandre Stivestove Member (1)
	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 Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	The subject matter regarding maintainability of application in respect
	of AGIF is still pending before the Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	SB

O.A. No. 573 of 2019

Ex Sub Yadvendra Pratap Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 DS Tiwari, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.
	The subject matter regarding maintainability of application in respect of AGIF is still pending before the Hon'ble Supreme Court. List on 10.05.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 57 of 2020 with M.A. No. 877 of 2019

Ex Hav Paras Nath Tiwari

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 Rajiv Pandey and Shri Vinod Kumar Singh, Ld.
	Counsel for the respondents are present.
	The subject matter regarding maintainability of application in respect
	of AGIF is still pending before the Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	SB

O.A. No. 159 of 2020

Ex Hav Dhananjay Chaubey

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Pankaj Kumar Shukla,
	Ld. Counsel for the applicant and Shri Rajiv Pandey and Shri Ashutosh Kumar
	Srivastava, Ld. Counsel for the respondents are present.
	The subject matter regarding maintainability of application in respect
	of AGIF is still pending before the Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	SB

O.A. No. 259 of 2020

EX (P) SS/APP Rameshwar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 Ms. Tanya, Advocate holding brief of Wg Cdr Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present. As prayed by learned counsel for the applicant, list on 08.03.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 300 of 2020

Ex Sub RA Khan Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022
	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 Ashish Kumar Singh, Ld. Counsel for the
	respondents are present.
	The subject matter regarding maintainability of application in respect
	of AGIF is still pending before the Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	SB

O.A. No. 481 of 2020

APS Tomar Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard arguments of Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Judgment is reserved.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A.(A) No. 420 of 2017

Mohd Meraj Khan (Through Wife Smt. Tarannum Nisha)

Appellant

By Legal Practitioner for the Appellant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022
	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 appellant and Ms. Appoli Srivastava, Ld. Counsel for the
	respondents are present.
	The matter needs physical hearing.
	List on 04.04.2022 for physical hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	SB

T.A. No. 14 of 2018

Ex Cfn Shiv Ram Dohre

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	15.02.2022
	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 Rajneesh Kumar Verma,
	Ld. Counsel for the petitioner and Shri Ashish Kumar Singh, Ld. Counsel for
	the respondents are present.
	Since respondents are not having copy of complete paper book,
	learned counsel for the applicant is requested to provide copy of complete
	paper book within a week.
	List on 31.03.2022 for final hearing on which date 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

O.A. No. 100 of 2022

Ex L/Nk Deepak Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	15.02.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of appearance filed by Shri Ashish Kumar Singh, Advocate on
	behalf of the respondents is taken on record. His name shall be shown in the
	cause list as learned counsel for the respondents.
	On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel
	for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the
	respondents are present.
	There is no delay in filing of Original Application.
	Matter needs adjudication.
	Admit.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two
	weeks thereafter.
	Issue notice to respondent No 3 returnable within four weeks.
	Steps be taken within a week.
	List the matter before Registrar on 13.04.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 11.05.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	rahore

Form No. 4 {See rule 11(1)} **ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW Court No.1 (E. Court)

O.A. No. 101 of 2022 with M.A. No. 136 of 2022

Ex Rect Sachin Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of Orders of the Tribunal the Registry

15.02.2022

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

Memo of appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list as learned counsel for the respondents.

Heard Shri Sudhir Kumar Singh and Shri Abhishek Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.

The applicant who was a recruit has filed this application for setting aside the order dated 18.07.2019 passed by the respondent No 3 by which the applicant has been held absent without leave.

M.A. No. 136 of 2022

There is a delay of 02 month and 26 days in filing application regarding which an application for condonation of delay has been filed. An affidavit in support of delay condonation application has also been filed.

Submission of learned counsel for the applicant is that delay in filing of Original Application is not deliberate, but on account of reasons stated in affidavit filed in support of application.

Per contra, learned counsel for the respondents submits that cause shown for the delay is not sufficient.

Considering the facts and circumstances of the case, we find that cause shown is sufficient.

Accordingly, delay is condoned and delay condonation application is disposed of.

O.A. No. 101 of 2022

It is a fit case for 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 this case on 13.04.2022 before the Registrar Court for exchange of pleadings and thereafter list on 11.05.2022 before Tribunal for final hearing.

(Vice Admiral Abhay Raghunath Karve)	(Justice Umesh Chandra Srivastava)
Member (A)	Member (J)
rathore	• •

Ex-A No. 31 of 2022 Inre O.A. No. 256 of 2019

Ex Nk Ram Kumar Sah

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	orders of the Tribunal
Registry	
	15.02.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of appearance filed by Dr. Shailendra Sharma Atal, Advocate on
	behalf of the respondents is taken on record. His name shall be shown in the
	cause list as learned counsel for the respondents.
	On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel
	for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	Learned counsel for the respondents seeks and is allowed 03 weeks
	time to seek instructions.
	List on 12.04.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	rathore

Ex-A No. 32 of 2022 Inre O.A. No. 571 of 2020

Ex Hav Yogesh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
Registry	
	15.02.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of appearance filed by Ms Appoli Srivastava, Advocate on behalf
	of the respondents is taken on record. His name shall be shown in the cause
	list as learned counsel for the respondents.
	On the case being taken up for hearing Col. AK Srivastava (Retd), Ld.
	Counsel for the applicant and Ms Appoli Srivastava, Ld. Counsel for the
	respondents are present.
	Learned counsel for the respondents seeks and is allowed 03 weeks
	time to seek instructions.
	List on 12.04.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex-A No. 33 of 2022 Inre O.A.No. 443 of 2019

Ex Nk Pandu Kumar Reddy

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal	
	15.02.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Memo of appearance filed by Shri Ram Sharan Awasthi, Advocate on behalf of the respondents is taken on record. His name shall be shown in the cause list as learned counsel for the respondents. On the case being taken up for hearing Col. AK Srivastava (Retd), Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents are present. Learned counsel for the respondents seeks and is allowed 03 weeks time to seek instructions. List on 13.04.2022.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore	

M.A. No. 126 of 2022 Inre O.A. No. 354 of 2021

Smt. Krishna Kumari Gupta W/o Late Krishna Gopal Gupta By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	Orders of the Tribunal
Registry	
	15.02.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of appearance filed by Shri Vishvesh Kumar, Advocate on behalf
	of the respondents is taken on record. His name shall be shown in the cause
	list as learned counsel for the respondents.
	Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and
	Shri Vishvesh Kumar, Ld. Counsel for the respondents.
	M.A. No. 126 of 2022
	This application has been filed to recall order dated 10.01.2022 passed
	by this Tribunal in O.A. No. 354 of 2021. By means of this order the O.A. has
	been disposed of on the ground that the grievances raised therein have
	already been redressed by the respondents.
	It is not a case where O.A. has been dismissed by this Tribunal,
	therefore, the question of recall of the order does not arise.
	Application is, accordingly dismissed .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	rathore

Ex-A No. 2 of 2021 with M.A. No. 180 of 2021 Inre O.A. (A) No. 98 of 2014

Lt Col Subash Chandra Pandey (Retd)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	15.02.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Bhanu Pratap Singh
	Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld.
	Counsel for the respondents assisted by Maj Sini Thomas, Departmental
	Representative of the respondents are present.
	Applicant Lt Col Subhash Chandra Pandey and Col Ghaninder Singh,
	Col (Provision and Procuring) are also connected through video conferencing.
	Applicant through video conferencing submits that in regard to order
	dated 11.02.2022 of this Tribunal Part-II Order has been published and sent to
	Army Headquarters. He further submits that he has joined duty on 14.02.2022.
	As regards arrears, Maj Sini Thomas, Departmental Representative
	submits that the Govt sanction in this regard has already been accorded on
	06.01.2022 and accordingly, necessary order shall be issued soon.
	In view of the above, list the case on 04.04.2022 .
	Let copy of this order be supplied to learned counsel for the respondents
	free of cost by tomorrow.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	rathore

M.A. No. 1892 of 2016 Inre O.A. (Nil) of 2016

Smt Kamla Devi Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal	
	<u>15.02.2022</u>	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Tion bio vice riammar ribinay riagnamam riam ve, member (71)	
	On the case being taken up for hearing Shri Virat Anand Singh, Ld.	
	Counsel for the applicant and Shri Ambrish Dubey, Shri Ausutosh Kumar	
	Srivastava and Shri Rajesh Shukla, Ld. Counsel for the respondents are	
	present.	
	It is submitted by learned counsel for the applicant that matter regarding	
	maintainability of application with regard to AGIF is still pending before the	
	Hon'ble Supreme Court.	
	List on 10.05.2022 .	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	

M.A. No. 1671 of 2017 Inre O.A. No. (Nil) of 2017

Smt Anupama Mishra

Applicant

By Legal Practitioner for the Applicant

Versus

Managing Director AGI & Others

Respondents

Notes of the Registry	Orders of the Tribunal	
	15.02.2022 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 Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Ashutosh Kumar Srivastava, Dr. Shailendra Sharma Atal and Shri Vinod Kumar Singh, Ld. Counsel for the respondents are present. It is submitted by learned counsel for the applicant that matter regarding maintainability of application with regard to AGIF is still pending before the Hon'ble Supreme Court. List on 10.05.2022.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	

M.A. No. 1823 of 2017 with M.A. No. 968 of 2018 Inre O.A. No. (Nil) No. 2017

Badam Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	15.02.2022
	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 VP Pandey, Ld. Counsel for
	the applicant and Dr. Shailendra Sharma Atal, Shri Vinod Kumar Singh and
	Shri Ashutosh Kumar Srivastava, Ld. Counsel for the respondents are present.
	It is submitted by learned counsel for the applicant that matter regarding
	maintainability of application with regard to AGIF is still pending before the
	Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

M.A. No. 2018 of 2017 Inre O.A. (Nil) 2017 along with O.A. No. 234 of 2018

Kunwar Singh Shakya

Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 Ms. Appoli Srivastava, Ld. Counsel for the
	respondents are present.
	It is submitted by learned counsel for the applicant that matter regarding maintainability of application with regard to AGIF is still pending before the
	Hon'ble Supreme Court. List on 10.05.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 234 of 2018 alongwith M.A. No. 2018 of 2017 Inre O.A. (Nil) of 2017

Kunwar Singh Shakya

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal	
the		
Registry		
	15.02.2022	
	15.02.2022 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 Adesh Kumar Gupta, Shri Ashutosh Kumar	
	Srivastava and Shri Vinod Kumar Singh, Ld. Counsel for the respondents are	
	present.	
	It is submitted by learned counsel for the applicant that matter regarding	
	maintainability of application with regard to AGIF is still pending before the	
	Hon'ble Supreme Court.	
	List on 10.05.2022.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	

M.A. No. 769 of 2018 Inre O.A. (Nil) of 2018

Puran Chandra Joshi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 Ashutosh Kumar Srivastava, Shri RC Shukla and Shri Vinod Kumar Singh, Ld. Counsel for the respondents are present. It is submitted by learned counsel for the applicant that matter regarding maintainability of application with regard to AGIF is still pending before the Hon'ble Supreme Court. List on 10.05.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 319 of 2017

Shiv Nath Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>15.02.2022</u>
	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 AK Singh, Ld. Counsel for
	the applicant and Shri RKS Chauhan, Shri Vinod Kumar Singh and Shri
	Ashutosh Kumar Srivastava, Ld. Counsel for the respondents are present.
	It is submitted by learned counsel for the applicant that matter regarding
	maintainability of application with regard to AGIF is still pending before the
	Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 223 of 2018

Prashant Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 DS Tiwari, Ld. Counsel for
	the applicant and Dr. SN Pandey, Shri Ashutosh Kumar Srivastava and Shri
	Vinod Kumar Singh, Ld. Counsel for the respondents are present.
	It is submitted by learned counsel for the applicant that matter regarding
	maintainability of application with regard to AGIF is still pending before the
	Hon'ble Supreme Court.
	List on 10.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 244 of 2020

Ex Nb Sub Radhe Shyam

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal and Shri Ashutosh Kumar Srivastava, Ld. Counsel for the respondents are present. It is submitted by learned counsel for the applicant that matter regarding
	maintainability of application with regard to AGIF is still pending before the Hon'ble Supreme Court.
	List on 10.05.2022. (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 724 of 2020

Ex AC (UT) Brij Kishore Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

the	Orders of the Tribunal	
Registry		
	15.02.2022	
	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 Dr. Gyan Singh, Ld.	
	Counsel for the respondents are present.	
	Supplementary counter affidavit filed by the respondents is taken on	
	record.	
	Respondents to serve copy of supplementary counter affidavit to the	
	applicant by today itself.	
	Rejoinder affidavit, if any, may be filed within 02 weeks.	
	List on 15.03.2022 .	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore	

O.A. No. 9 of 2021

Vipin Kumar Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Notes of Orders of the Tribunal	
the		
Registry	y	
	15.02.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Heard Shri Dharmendra Awasthi, Ld. Counsel for the applicant and Shri	
	RKS Chauhan, Ld. Counsel for the respondents.	
	Learned counsel for the respondents submits that in regard to certain	
	inputs received from the Records, respondents intend to file supplementary	
	counter affidavit, which is allowed.	
	Let supplementary counter affidavit be filed within 02 weeks.	
	List on 21.03.2022 on which date the respondents shall produce original	
	documents for perusal of the Bench as directed in order dated 17.01.2022.	
	Let copy of this order be supplied to learned counsel for the respondents	
	free of cost by tomorrow.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	
	rathore	

O.A. No. 413 of 2021

Sgt Jiwan Chandra Bhatt

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>15.02.2022</u>
	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 Asheesh Agnihotri, Ld. Counsel for the
	respondents are present.
	As prayed by learned counsel for the respondents, list on 11.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Form No. 4 {See rule 11(1)} ORDER SHEET MED FORCES TRIBUNAL REGIONAL BENCH L

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

O.A. No. 417 of 2021

Smt. Ram Dulari Devi W/o Late Ex Hav Virendra Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes	of
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Orders of the Tribunal

15.02.2022

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

Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents assisted by Capt Priyanka, Departmental Representative of the respondents.

Counter affidavit filed by the respondents is taken on record.

In counter affidavit respondents have stated that husband of the applicant had served in Indian Army for a period of 19 years and 19 days before being discharged from service and in regard to that he was in receipt of service pension. They have further stated that after being discharged from service from the Army applicant was re-enrolled in DSC on 28.11.1985 and discharged from DSC service w.e.f. 30.09.2001 after rendering 15 years, 10 months and 03 days qualifying service for which he was granted second service pension for life. They have further stated that applicant's husband died on 09.06.2017 and thereafter, Smt Ram Dulari Devi was granted family pension by the respondents for the services rendered in the Army by her late husband. They have further stated that in regard to services rendered by applicant's husband in DSC he was in receipt of service pension and on his death case of family pension to the applicant was considered by the respondents and applicant has been granted family pension vide PPO No 194202103229, copy of which has been furnished to learned counsel for the applicant for his perusal.

In view of the above, submission of learned counsel for the respondents is that grievance raised in O.A. has already been redressed by the respondents, therefore, O.A. should be dismissed being infructuous.

Upon hearing submission of learned counsel for the respondents and the fact that applicant has already been granted family pension vide PPO No 194202103229, we find that grievance raised in O.A. has been redressed.

In the result O.A. deserves to be dismissed being infructuous.

Accordingly, the O.A. is **dismissed** being infructuous.

(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
rathore	

O.A. No. 546 of 2021

Ex Nk Itlesh Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal	
	15.02.2022 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 Alok Kumar Mishra, Ld. Counsel for the respondents	
	are present. Counter affidavit filed by the respondents is taken on record. Learned counsel for the applicant submits that applicant has died on	
	23.10.2021. Steps for substitution be taken within a week. List on 21.03.2022.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	

O.A. No. 505 of 2017

Smt. Jayanti Devi

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	15.02.2022 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 VP Pandey, Advocate is
	present on behalf of Shri KKS Bisht, Ld. Counsel for the applicant and Dr.
	Gyan Singh, Col. AK Srivastava (Retd) and Shri Gyan Singh Chauhan, Ld.
	Counsel for the respondents are present.
	List the case on 18.02.2022 for physical hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore