

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

O.A. No. 164 of 2013 with M.A. No. 776 of 2022 & M.A. No. 777 of 2022
Inre : M.A. No. 1406 of 2014

Warrant Officer Shashi Kant Chaturvedi
In Person

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p><u>O.A. No. 164 of 2013</u></p> <p>Heard Warrant Officer Shashi Kant Chaturvedi, the applicant in person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents has drawn our attention to order dated 17.02.2022 in Misc. Application No. 790 of 2021 by which the amendment application has been allowed and in consequence thereof amendments have been incorporated in the Original Application. He submits that applicant has obtained this order by suppressing the fact that his similar prayer seeking amendment in the relief clause of the Original Application had been rejected by this Tribunal vide its order dated 08.08.2017. He further submits that once the similar prayer by way of Misc. Application No. 1406 of 2014 had been rejected, subsequent application for the same prayer could have been filed after seeking recall of the order only and not before.</p> <p>Applicant Warrant Officer Shashi Kant Chaturvedi, on the other hand, submits that earlier his case was being prosecuted by Shri P.N. Chaturvedi, Advocate, who had moved the Misc. Application No. 1406 of 2014 seeking amendment in the relief clause in the Original Application which was rejected on 08.08.2017. After the death of Shri P.N. Chaturvedi, Advocate applicant</p>

himself is prosecuting his case who has no idea about order dated 08.08.2017 passed in Misc. Application No. 1406 of 2014. With the result, he filed the subsequent application being Misc. Application No. 790 of 2021 for seeking amendment in the relief clause in the Original Application which was allowed on 17.02.2022. The order was passed in presence of Ld. Counsel for the respondents, who said nothing regarding the order dated 08.08.2017 when application was heard and allowed. However, after coming to know about the order dated 08.08.2017, applicant has moved application being Misc. Application No. 777 of 2022 for recalling the order dated 08.08.2017. Thus, he submits that since applicant had no idea about order dated 08.08.2017 and amendment in relief clause of the Original Application was necessary, he moved the application which was allowed and amendments have been incorporated, therefore, order dated 08.08.2017 should be recalled and Original Application should be heard and decided on merit.

As regards amendments, he submits that this is necessary for just decision of the case as consequent to filing of Original Application applicant has been awarded severe displeasure vide letter dated 23.10.2013 which will adversely affect his service career as remarks will be entered into his dossier.

It is evident from the record that applicant had filed the Original Application for issuing direction to the respondents to return Rs.9,90,000/- to the applicant which they got to be deposited under compulsion and also to issue direction of appropriate nature to finalize the disciplinary action.

It appears that after the exchange of pleadings between the parties, an application being Misc. Application No. 1406 of 2014 seeking amendments in the relief clause of the Original Application was made by the applicant regarding recording of severe displeasure against the applicant which was heard and rejected on 08.08.2017. After this a fresh amendment application for the same prayer being Misc. Application No. 790 of 2021 was made by the applicant which was taken up for hearing on 17.02.2022 and the same was allowed, in consequence whereof amendments have been incorporated. When the amendment application was allowed the Tribunal was not aware about the fact that previous amendment application with same prayer has been rejected on 08.08.2017 nor this fact was brought to the notice of the Tribunal by either of the parties. However, facts remain that earlier application for the same prayer had been rejected on 08.08.2017 and, in view of that, subsequent

application for the same prayer could only be moved after the order dated 08.08.2017 was recalled and not before. Since the order dated 17.02.2022 allowing amendment application (Misc. Application No. 790 of 2021) has been passed without having any knowledge about the order dated 08.08.2017 the same deserves to be recalled. Accordingly, order dated 17.02.2022 is recalled. Amendments incorporated in the relief clause of the Original Application are withdrawn and Amendment Application (Misc. Application No. 790 of 2021) is rejected being barred by res-judicata.

In view of the above, recall application along with delay condonation application are also rejected.

List on **03.01.2023** for final hearing.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

O.A. No. 487 of 2022

Ex. Nk. Hansraj 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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri Shailendra Kumar Singh and Shri S.S. Rajawat, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

O.A. No. 240 of 2022

Ex. JWO Nand Lal Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Sudhir Kumar Singh and Shri Abhishek Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our Judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 280 of 2022

Ex. JWO Ram Singh Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, 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.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 434 of 2022

Ex. MWO Sunil Vishwakarma Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Vide order dated 02.11.2022, last opportunity was granted to the respondents to file the Counter Affidavit, but respondents have failed to file the same, hence, opportunity to file the Counter Affidavit is closed.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our Judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 662 of 2022

Vijay Kumar Shukla, MCERA I (Hony. SLT) (Retd.)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, 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.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 929 of 2022 with M.A. No. 1141 of 2022

Ex. Hav. Santosh Kumar Rai (Service No. 6392576-Y) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>There is a delay of 02 months and 04 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 929 of 2022</u></p> <p>Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>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 enrolled on 28.06.1994 and discharged on 30.06.2020 is entitled for grant of last increment due on 01.07.2020 as per decision of the Hon'ble Madras High Court in the case of <i>P. Ayamperumal Versus the Registrar, Central Administrative Tribunal, Madras Bench and Others</i> (W.P. No. 15732 of 2017, decided on 15.09.2017) and this Tribunal judgment in O.A. No. 366 of 2020, <i>Ex HFL Sarvesh Kumar vs. Union of India & Ors</i>, decided on</p>

12.08.2021.

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 discharge i.e. 30.06.2020 as per policy in vogue since the date of annual increment falls on the following day i.e. 01.07.2020. Therefore, benefit of the Hon'ble Madras High Court order being *in personam* cannot be extended to the applicant 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 applicant had completed one full year service as on 30.06.2020, but the increment fell due on the next day of his retirement 01.07.2020, 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, if any, is set aside. The applicant shall be given one notional increment for the period from 01.07.2019 to 30.06.2020, as he has completed one full year of service, though his increment fell on 01.07.2020, for the purpose of pensionary benefits and not for any other purpose, subject to verification of documents. 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)
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. 931 of 2022

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

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Vishvesh Kumar, Advocate has appeared on behalf of the respondents and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Vishvesh Kumar, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>It is submitted by the Ld. Counsel for the applicant that when discharged from service applicant was suffering with two disabilities which were assessed @40% and @30% respectively with composite disabilities @58% for life. The claim for the grant of disability element of disability pension was preferred by the applicant, but the same was rejected by the respondents on the ground that disabilities were neither attributable to nor aggravated by military service. It is further submitted that disabilities being connected with service applicant is entitled for disability element of disability pension.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>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.</p> <p>List the matter before Registrar on 03.01.2023 for exchange of pleadings.</p> <p>List the matter before Tribunal on 03.03.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 932 of 2022 with M.A. No. 1142 of 2022

Ex. ACP Nb. Sub. Ram Bhrosra 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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Dr. Shailendra Sharma Atal, Advocate has on behalf of the respondents and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri K.P. Datta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>There is a delay of 34 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 932 of 2022</u></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>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.</p> <p>List the matter before Registrar on 03.01.2023 for exchange of pleadings.</p> <p>List the matter before Tribunal on 03.03.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 933 of 2022

Ex. Maj. Ashish Shakya
 By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Shri Ashish Kumar Singh, Advocate has appeared on behalf of the respondents and filed Memo of Appearance is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of disability pension.</p> <p style="text-align: justify;">There is no delay in filing of Original Application.</p> <p style="text-align: justify;">Case needs adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">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.</p> <p style="text-align: justify;">List the matter before Registrar on 03.01.2023 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 03.03.2023.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 935 of 2022

Col. Saibal Adhya (Retd.)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

**Notes of
the
Registry**

Orders of the Tribunal

15.11.2022

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

Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.

Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.

This Original Application has been filed for the grant of disability pension.

There is no delay in filing of Original Application.

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 **03.01.2023** for exchange of pleadings.

List the matter before Tribunal on **03.03.2023**.

(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. 936 of 2022 with M.A. No. 1146 of 2022

Col. Randhir Singh Sachan (Retd.)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Ramesh Chandra Shukla, Advocate has appeared on behalf of the respondents and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Col. R.N. Tiwari (Retd.), Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There being a delay of 10 months and 22 days in filing of Original Application he has also filed an application for condonation of delay.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 936 of 2022</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant suffered disabilities while he was re-employed with the respondents. The term of re-employment came to an end on 06.10.2018. However, the applicant's claim for the grant of disability element was rejected on the ground that applicant's services were not terminated due to disabilities suffered by him, but on other ground.</p> <p>It is further submitted that since the applicant suffered disabilities during the course of re-employment he is entitled to disability element despite his services being not terminated on medical ground.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Issue notice to the respondents.</p> <p>Shri Ramesh Chandra Shukla, Advocate has accepted notice on behalf of</p>

the respondents, hence service of notice is waived.

Respondents may file Counter Affidavit within four weeks. Thereafter, Rejoinder Affidavit, if any, may be filed within two weeks.

List the matter before Registrar on **03.01.2023** for exchange of pleadings.

List the matter before Tribunal on **03.03.2023**.

(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. 940 of 2022

Ex. MWO Awadhesh Kumar Rai Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Rama Kant and Shri Shiv narain Kaushal, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>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.</p> <p>List the matter before Registrar on 03.01.2023 for exchange of pleadings.</p> <p>List the matter before Tribunal on 03.03.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 941 of 2022 with M.A. No. 1149 of 2022

Ex. WO (HFL) Ram Murti Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Rama Kant and Shri Shiv Narain Kaushal, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>There is a delay of 02 months and 08 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 941 of 2022</u></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>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.</p> <p>List the matter before Registrar on 03.01.2023 for exchange of pleadings.</p> <p>List the matter before Tribunal on 03.03.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

AKD/-

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

Ex. A. No. 345 of 2022 Inre : O.A. No. 650 of 2020

Ex., Sep. Sachinda Nand Shukla
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Shyam Singh, Advocate has appeared on behalf of the respondents and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Vijay Kumar Pandey, Ld. Counsel appearing for the applicant and Shri Shyam Singh, Ld. Counsel appearing for the respondents.</p> <p>This application has been filed for implementation of order dated 31.08.2021 of this Tribunal in Original Application No. 650 of 2020 by which respondents have been directed to grant disability element to the applicant @20% for two years from the next date of his discharge and to hold Re-Survey Medical Board to assess further disability for further entitlement of disability pension, if any, within a period of four months from the date of order.</p> <p>It is submitted by the Ld. Counsel for the applicant that order has not yet been complied with.</p> <p>Ld. Counsel for respondents seeks and is allowed four weeks time to seek instruction regarding compliance of the order.</p> <p>List on 03.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 346 of 2022 Inre : O.A. No. 767 of 2022

Ex. LA (AH) Rajeev Singh Rathore
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">On the case being taken up for hearing Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">This application has been filed for implementation of order dated 29.03.2022 of this Tribunal in Original Application No. 767 of 2022 by which respondents have been directed to grant disability element to the applicant @30% for life which would be rounded off to @50% for life w.e.f. three years preceding the date of filing of Original Application within a period of four months from the date of order.</p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that order has not yet been complied with.</p> <p style="text-align: justify;">Ld. Counsel for respondents seeks and is allowed four weeks time to seek instruction regarding compliance of the order.</p> <p style="text-align: center;">List on 03.02.2023.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 347 of 2022 Inre : O.A. No. 818 of 2021

Smt. Geeta Mishra M/o Late PNR Reetesh Mishra Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-indent: 40px;">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.</p> <p style="text-indent: 40px;">On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p style="text-indent: 40px;">This application has been filed for implementation of order dated 29.03.2022 of this Tribunal in Original Application No. 818 of 2021 by which applicant was directed to deposit complete amount fo premium due to Army Postal Service (PLI Cell) through cheque @Rs.2375/- per month from Oct 2014 to May 2015 and the Army Postal Service (PLI Cell) will inform the applicant in whose name the cheque is to be made and on receipt of the cheque, Army Postal Service (PLI Cell) shall grant death benefits of PLI policy to the applicant along with @6% simple interest per annum from due date within a period of four months from the date of receipt of cheque.</p> <p style="text-indent: 40px;">It is submitted by the Ld. Counsel for the applicant that order has not yet been complied with.</p> <p style="text-indent: 40px;">Ld. Counsel for respondents seeks and is allowed four weeks time to seek instruction regarding compliance of the order.</p> <p style="text-indent: 40px;">List on 06.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 1143 of 2022 Inre : O.A. No. 557 of 2021

Smt. Laxmi Bai @ Lachhi Devi W/o Late Ex. Hav. Radhey Lal Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Ms. Deepti Prasad Bajpai, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p>For the reasons stated in affidavit filed in support of correction application, correction application is allowed.</p> <p>In order dated 19.05.2022 the service number of the applicant be corrected as "6645354X" in place of "6345354X".</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 1144 of 2022 with M.A. No. 1145 of 2022 Inre : O.A. No. 428 of 2017

Gaya Ram

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondent Nos. 1 to 3 is taken on record. His name be shown as Counsel for the respondent Nos. 1 to 3 when the case is listed next.</p> <p>Heard Mohd. Zafar Khan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Applicants herein, who were respondents Nos. 4 and 5 in Original Application No. 428 of 2017, have filed this application for setting aside the Judgment and Order dated 21.10.2021 in the Original Application on the ground that Judgment has been passed without hearing them.</p> <p>It is submitted that no notice of Original Application was issued to the applicants herein.</p> <p>Hard copy of the application has neither been served to the original applicant nor original respondent Nos. 1 to 3.</p> <p>Applicants herein are, therefore, directed to serve hard copy of application to the original applicant as well as respondent Nos. 1 to 3, who may file objection, if any, within three weeks.</p> <p>List on 06.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 1150 of 2022 with M.A. No. 1151 of 2022 Inre : O.A. No. 292 of 2020

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Sep. Jag Vijay Singh
By Legal Practitioner for Respondent

Respondent

**Notes of
the
Registry**

Orders of the Tribunal

15.11.2022

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)

Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

Heard Shri Ashish Kumar Singh, Ld. Counsel for the applicants – Union of India & Others.

This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 26.08.2021 of this Tribunal in Original Application No. 292 of 2020.

There is a delay of 07 months and 08 days in filing of leave to application.

Submission of Ld. Counsel for the applicants – Union of India & Others is that delay in filing leave to appeal is not deliberate. His further submission is that after the Judgment applicant send the order to the Deputy JAG (LIT), Headquarters, Central Command for information. After receiving from AFT Legal Cell Headquarters Madhya UP Sub Area it was sent to OIC Records, Record Kumaoun Regiment, Ranikhet and Chief of Army Staff, New Delhi for obtaining legal opinion for compliance and after receiving legal opinion higher authorities given instruction to grant the certificate of Leave to Appeal. Thus, his submission is that delay is not deliberate, but for the reasons stated above.

Having heard the submission of Ld. Counsel for the applicants – Union of India & others and considering the facts and circumstances of the case, we find that explanation offered by the applicants for delay in filing Leave to Appeal is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.

In the result, we find that delay is not condonable.

Accordingly, delay condonation application is **dismissed**.

Leave to Appeal being time barred is also **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

M.A. No. 1153 of 2022 with M.A. No. 1154 of 2022 Inre : O.A. No. 352 of 2017

Union of India & Others

By Legal Practitioner for the Applicants

Applicants

Versus

Hony. Nb. Sub. Suresh Prasad

By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Adesh Kumar Gupta, Ld. Counsel for the applicants – Union of India & Others.</p> <p>This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 22.11.2017 of this Tribunal in Original Application No. 352 of 2017.</p> <p>There is a delay of 02 years, 09 months and 03 days in filing of leave to appeal.</p> <p>Submission of Ld. Counsel for the applicants – Union of India & Others is that delay in filing leave to appeal is not deliberate. His further submission is that the delay occurred due to documentation i.e. neither deliberately nor intentionally.</p> <p>Having heard the submission of Ld. Counsel for the applicants – Union of India & others and considering the facts and circumstances of the case, we find that explanation offered by the applicants for delay in filing Leave to Appeal is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.</p> <p>In the result, we find that delay is not condonable.</p> <p>Accordingly, delay condonation application is dismissed.</p> <p>Leave to Appeal being time barred is also dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 136 of 2017 Inre : O.A. No. 264 of 2014

Col. Mahesh 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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Matter is still sub-judice before the Hon'ble Apex Court.</p> <p style="text-align: center;">List on 03.02.2023.</p> <p style="text-align: center;">Registry is directed not to reflect the name of Col. Y.R. Sharma (Retd.), Advocate as he has left for heavenly abode.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. N. 163 of 2017 Inre : O.A. No. 229 of 2014

Ramvir Singh Applicant
By Legal Practitioner for the Applicant

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Stay order dated 09.08.2019 of the Hon'ble Apex Court is still holds good.</p> <p>List on 03.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 68 of 2019 Inre : Ex. A. No. 08 of 2018 Inre : O.A. No. 445 of 2012

Man 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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Heard Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p style="text-align: justify;">Ld. Counsel for the respondents submits that in compliance of the order a fresh PPO has been generated on 19.09.2022 granting disability pension to the applicant @20% to be rounded off to @50% for life with effect from 23.08.2018.</p> <p style="text-align: justify;">In view of the above, order seems to have been complied with.</p> <p style="text-align: justify;">Accordingly, Execution Application is dismissed being rendered infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 26 of 2022 Inre : O.A. No. 308 of 2019

Hav. Didar Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Ashok Singh, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents assisted by Major Tarun, Departmental Representative of the respondents.</p> <p>It is submitted by the Ld. Counsel for the respondents that for compliance of the order Government Sanction was accorded on 01.06.2022 and applicant was asked to rejoin the duty, however, he has not reported yet.</p> <p>In reply, Ld. Counsel for the applicant submitted that applicant had gone to re-join to duty in October, 2022, but he was not allowed on the ground that that joining could only be permitted when entire money he had received at the time of discharge is deposited.</p> <p>No such condition has been imposed in the order that applicant can re-join the duty subject to deposit of the money.</p> <p>Respondents are, therefore, directed to allow the applicant to re-join the duty forthwith and amount to be recovered may be adjusted in instalments from the pay and allowances to be paid to him. Respondents are further directed to make compliance of this order within a month and file affidavit of compliance.</p> <p>List on 06.02.2023.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

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
By Legal Practitioner for Respondents	

Notes of the Registry	Orders of the Tribunal		
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p style="text-align: justify;">An affidavit of compliance has been filed by the respondents is taken on record.</p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the respondents that since the order has been complied with, Execution Application has rendered infructuous and should be dismissed as such.</p> <p style="text-align: justify;">Copies of PPO and Calculation Sheet have been filed along with affidavit of compliance and on their perusal order seems to have been complied with.</p> <p style="text-align: justify;">Accordingly, Execution Application is dismissed being infructuous.</p> <table style="width: 100%;"><tbody><tr><td style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></tbody></table> <p>AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

Ex. A. No. 119 of 2022 Inre : O.A. No. 622 of 2020

Smt. Dulari Devi Mother of (Late) Gnr Virendra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

**Notes of
the
Registry**

Orders of the Tribunal

15.11.2022

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

Heard Shri Ravi Kumar Yadav, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 4 assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.

Affidavit of compliance filed on behalf of respondent Nos. 1 to 4 is taken on record.

In affidavit of compliance, respondent Nos. 1 to 4 have stated that for division of special family pension between the applicant and her daughter-in-law, both were requested to appear before the ARO along with supporting documents for necessary investigation. Thereafter, investigation was carried out in which special family pension was divided equally between both of them with effect from 09.03.2021. It has been further stated that in compliance of division of special family pension a separate PPO has been issued in the name of applicant on 01.08.201 and in furtherance thereof she is in receipt of her share @Rs.9,542/- with effect from April, 2022.

Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj submitted that arrears amounting to Rs.1,67,933/- has also been credited in applicant's account.

From the above, order appears to have been complied with.

Accordingly, Execution Application is **dismissed** being rendered infructuous.

(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

Ex. A. No. 129 of 2022 Inre : O.A. No. 188 of 2021

Ramesh Kumar Pal S/o Late Ex. Hav. Ram Nath
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents, three weeks further time is granted to file affidavit of compliance.</p> <p style="text-align: center;">List on 25.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

E-Court

Ex. A. No. 131 of 2022 Inre : O.A. No. 596 of 2018

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

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents and Lt. Col. Anup Kumar Keshary, DGMS (Army()), 3 D, GSO-1, New Delhi who is connected through Video Conferencing.</p> <p style="text-align: center;">Lt. Col. Anup Kumar submitted that after passing of order dated 14.09.2022 the case file of the applicant has again been forwarded to the competent authority i.e. Secretary, Department of Ex-Serviceman Welfare, Ministry of Defence, D (Pension/Legal), New Delhi and is presently pending with him.</p> <p style="text-align: center;">On the last date i.e. 14.09.2022, we had directed the competent authority to decide the Mercy Petition of the applicant within one month without fail with further direction that in case petition is not decided in the given time the competent authority shall remain physically present before Tribunal on the next date fixed to explain the reasons.</p> <p style="text-align: center;">We are sorry to note that despite there being a specific direction neither the Mercy Petition is decided nor the competent authority is present before us to explain the reason.</p> <p style="text-align: center;">Registry is directed to issue notice to Secretary, Department of Ex-Serviceman Welfare, Ministry of Defence, D (Pension/Legal), New Delhi to remain physically present before the Tribunal on the next date fixed to explain the reason for not deciding the Mercy Petition of the applicant.</p> <p style="text-align: center;">List on 27.01.2023.</p> <p style="text-align: center;">Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left;">AKD/-</p>

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

Ex. A. No. 175 of 2022 with M.A. No. 480 of 2022 Inre : O.A. No. 629 of 2017

Ex. JWO Vishnu Deo Tiwari By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, Shri Amit Jaiswal, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p style="text-align: justify;">On the request of Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6, three weeks further time is granted to file affidavit of compliance.</p> <p style="text-align: center;">List on 30.01.2023.</p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="margin-top: 10px;">AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

Ex. A. No. 176 of 2022 Inre : O.A. No. 58 of 2018

Ex. JWO Ashok Kumar Applicant
By Legal Practitioner for the Applicant
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, Shri Shyam Singh, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p>On the request of Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6, three weeks further time is granted to file affidavit of compliance.</p> <p>List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 177 of 2022 Inre : O.A. No. 119 of 2018

Ex. MWO Surendra Kumar Srivastava Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel appearing for the applicant and Shri Shyam Singh, Ld. Counsel appearing for the respondent Nos. 1 to 5 assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Shri Sanjay Kumar Agarwal, Senior Accounts Officer/DPDO, Prayagraj is also present and he has filed an affidavit in Tribunal which is taken on record.</p> <p>Shri Avnish Pal, Advocate has appeared on behalf of respondent No.6 and filed Vakalatnama which is taken on record.</p> <p>Ld. Counsel for the applicant submits that since he has received copy of affidavit filed in Court today only, he needs time to go through it and to file reply, if required.</p> <p>Reply may be filed within two weeks.</p> <p>List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 178 of 2022 Inre : O.A. No. 635 of 2017

Ayodhya Tiwari S/o Lat eEx. Sub. Brij Behari Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, Shri Namit Sharma, Ld. Counsel for the respondent Nos. 1 to 5 and Mohd. Zafar Khan, Ld. Counsel for the respondents Nos. 5 and 6 are present.</p> <p>On the request of Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6, three weeks further time is granted to file affidavit of compliance.</p> <p>List on 30.01.2023.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 179 of 2022 Inre : O.A. No. 621 of 2017

Ex. JWO Bachcha Jee 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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Shri Arvind Kumar Srivastava, Advocate has appeared on behalf of respondent Nos. 5 and 6 and filed Vakalatnama which is taken on record. His name be shown as Counsel for the respondent Nos. 5 and 6 when the case is listed next.</p> <p>On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, Shri Yogesh Kesarwani, Ld. Counsel for the respondent Nos. 1 to 4 and Shri Arvind Kumar Srivastava, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p>Let affidavit of compliance be filed by respondent Nos. 5 and within four weeks.</p> <p>List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 180 of 2022 Inre : O.A. No. 624 of 2017

Ex. JWO Raj Nath Mishra **Applicant**
By Legal Practitioner for the Applicant

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, Ms. Amrita Chakraborty, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p style="text-align: center;">On the request of Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6, three weeks further time is granted to file affidavit of compliance.</p> <p style="text-align: center;">List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 181 of 2022 Inre : O.A. No. 623 of 2017

Arun Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p style="text-align: center;">On the request of Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6, three weeks further time is granted to file affidavit of compliance.</p> <p style="text-align: center;">List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 182 of 2022 Inre : O.A. No. 117 of 2018

Smt. Sumitra Devi W/o Late Ex. WO Shyamala Prasad 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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p>On the request of Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6, three weeks further time is granted to file affidavit of compliance.</p> <p>List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 183 of 2022 Inre : O.A. No. 641 of 2017

Ex. WO Mukhtyar Ahmed
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant, Ms. Amrita Chakraborty, Ld. Counsel for the respondent Nos. 1 to 3 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 4 and 5 are present.</p> <p>On the request of Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 4 and 5, three weeks further time is granted to file affidavit of compliance.</p> <p>List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 284 of 2022 Inre : O.A. No. 98 of 2011

Smt. Ram Kumari Pandey W/o Moti Lal Pandey (Deceased) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Pandey, Shri Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Major Tarun, Departmental Representative for the respondents are present.</p> <p>On the request of Major Tarun, Departmental Representative for the respondents, three weeks further time is granted to seek instruction regarding compliance.</p> <p style="text-align: center;">List on 30.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 733 of 2021

Ex. Hav. Sanjay Kumar Gupta
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Shri V.P. Pandey, Ld. Counsel appearing on behalf of the applicant the case is adjourned.</p> <p style="text-align: center;">List on 10.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 854 of 2021

Ex Sep Kripa 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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Order pronounced today in the open Court.</p> <p style="text-align: center;">O.A. No. 854 of 2021, Ex Sep Kripa Ram vs. Union of India and Others is allowed.</p> <p style="text-align: center;">For order, see our judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed off.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

Ex. A. No. 292 of 2022 Inre O.A. No. 240 of 2020

Ex Sep Vandeo Dattu Kokane
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg. Cdr. Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Shri Ashish Kumar Singh, learned counsel for the respondent No 1 and 2 states that this is a second execution application. The first execution application was dismissed being infructuous as the order was complied with.</p> <p>Mohd Zafar Khan, Advocate has filed Vakalatnama on behalf of respondent No 3 which is taken on record. He prays for and is granted time to seek instructions regarding compliance.</p> <p>List on 24.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 378 of 2021

<p>Hav Pranav Kumar By Legal Practitioner for the Applicant</p>	Versus	<p style="text-align: right;">Applicant</p> <p style="text-align: right;">Respondents</p>
<p>Union of India & Others By Legal Practitioner for Respondents</p>		

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri K.P.Datta, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Supplementary counter affidavit to amended O.A. could not be filed by the respondents within three weeks failing which opportunity to file the same has been closed.</p> <p style="text-align: center;">List on 31.01.2023 for final hearing.</p> <p style="display: flex; justify-content: space-between; margin-top: 20px;"> (Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J) </p> <p style="margin-left: 5px;">rathore</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

O.A. No. 240 of 2022

Ex JWO Nand Lal Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Sudhir Kumar Singh and Shri Abhishek Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents. Counter affidavit filed by the respondents is taken on record. O.A. is allowed. For orders, see our judgment passed on separate sheets.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 280 of 2022

Ex JWO Ram Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p>O.A. is allowed.</p> <p>For orders, see our judgment passed on separate sheets.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 365 of 2022

Ex Nk (GD/TA) Narayan Datt Punetha
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Wg. Cdr. S.N. Dwivedi (Retd), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by learned counsel for the respondents and rejoinder affidavit filed by learned counsel for the applicant are taken on record.</p> <p>List on 18.11.2022 for final hearing.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 434 of 2022

Ex. MWO Sunil Vishwakarma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri R Chandra, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents.</p> <p>O.A. is allowed.</p> <p>For orders, see our judgment passed on separate sheets.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No.486 of 2022

Ex Hav Tarkeshwar 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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri SS Rajawat, Ld. Counsel for the applicant and Shri (Dr.) Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that counter affidavit shall be filed in the registry during course of the day.</p> <p>Let it be filed.</p> <p>List on 16.11.2022.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 487 of 2022

Ex Nk Hansraj Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Shailendra Kumar Singh and Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>O.A. is allowed.</p> <p>For orders, see our judgment passed on separate sheets.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 488 of 2022

L/NK Vipin Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ganga Prasad, Shri Prasun Mishra and Shri Santosh Kumar Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Applicant may file rejoinder affidavit within two weeks.</p> <p>List on 03.02.2022 for final hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 657 of 2022

Ex. L NK Raghunath Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the respondents a weeks further time is allowed to file counter affidavit.</p> <p>List on 30.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 660 of 2022

Vijay Kumar Shukla MCERA I (Hon SLT) (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
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Lt Cdr, Akarshan Kumar, Departmental Representative for the respondents are present.</p> <p>On request of Lt Cdr Akarshan Kumar, Departmental Representative for the respondents, two weeks further time is allowed to file counter affidavit.</p> <p>List on 23.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 662 of 2022

Ex L/NK Ravindra Prakash Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri KKS Bisht, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">O.A. is dismissed being the case of mental disorder.</p> <p style="text-align: center;">For orders, see our judgment passed on separate sheets.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 819 of 2022

Lt. Col. Yashendra Pratap Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents assisted by Maj Tarun, Departmental Representative for the respondents are present.</p> <p>On request of Maj Tarun, two weeks further time is allowed to file counter affidavit.</p> <p>List on 04.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

Ex.A No. 53 of 2019 Inre T.A. No.17 of 2017

Sqn Ldr RK Kashyap (Retd)
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, Ld. Counsel for the petitioner and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the applicant list this case on 28.11.2022 for physical hearing.</p> <p>Registry is directed to replace name of Shri Yashpal Singh and reflect name of Shri Shiv Kant Pandey as learned counsel for the applicant.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 265 of 2017

Smt. Soni Sharma By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri (Dr.) Shailendra Sharma Atal, Shri Virendra Kumar Gupta and Shri Shailendra Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 16.01.2023 for hearing.</p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No. 324 of 2017

TD Kolekar
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 08.02.2023 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 13 of 2021 along with DY.No.669 of 2016 (Decided)

Ex. Hav Lal Babu Tiwari Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>15.11.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey and Ms Nisha Pandey, Ld. Counsel for the applicant and Shri Yogesh Keserwani, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 09.02.2023 for hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

