

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

**O.A. No. 108 of 2022 with M.A. No. 145 of 2022**

**Ex. Craftsman/Welder Krishna Bhan Singh**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>17.02.2022</u></b><br/> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">The instant Original Application has been filed for grant of service pension to the applicant after condoning shortfall in minimum qualifying service.</p> <p style="text-align: center;">There is a delay of 17 years, 01 month and 24 days in filing of Original Application regarding which an application for condonation of delay has been filed.</p> <p style="text-align: center;">Keeping in view that it is a pensionary matter in which bar of limitation is not applicable as cause of action accrues every month, delay, if any, in filing of Original Application is <b>condoned</b>. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 108 of 2022</u></b></p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Matter needs adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">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: center;">List the matter before Registrar on <b>07.04.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>02.05.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/> <b>Member (J)</b></p> <p>AKD/-</p> |

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

**O.A. No. 109 of 2022**

**Ex. Nb. Sub. Naresh Ram Dulari Bhagan**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Rajiv Narayan Pandey, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Matter needs adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">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: center;">List the matter before Registrar on <b>07.04.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>02.05.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/><b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (J)</b></p> <p>AKD/-</p> |

Form No. 4  
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**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (E. Court)**

O.A. No. 110 of 2022

**Ex. Rect. Konatala Kalyan Reddy**  
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><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Bipin Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.<br/>Admit.</p> <p style="text-align: center;">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: center;">List the matter before Registrar on <b>07.04.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>02.05.2022</b>.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)<br/>Member (A) Member (J)</p> <p>AKD/-</p> |



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**Court No.1 (E. Court)**

**Ex. A. No. 35 of 2022 Inre : O.A. No. 394 of 2020**

**Ex. Nk. Bishnu Bahadur Thapa**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is a fresh Execution Application.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instruction in the matter.</p> <p style="text-align: center;">List on <b>06.04.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</p> <p>AKD/-</p> |

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**Court No.1 (E. Court)**

**Ex. A. No. 36 of 2022 Inre : O.A. No. 252 of 2019**

**Smt. Ashia Begum W/o Late Ex. Ris. Hidayat Ullah**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Kaushik Chatterjee, appears on behalf of respondents and submits that he will file Memo of Appearance in registry during the course of the day.</p> <p>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p>It is a fresh Execution Application.</p> <p>Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instruction in the matter.</p> <p>List on <b>06.04.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</p> <p>AKD/-</p> |

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**Court No.1 (E. Court)**

**Ex. A. No. 51 of 2019 Inre : O.A. No. 198 of 2016**

|   |  |             |
|---|--|-------------|
| <b>Ex. Sep. (DSC) Hardayal Singh</b><br>By Legal Practitioner for the Applicant |  | Applicant   |
| <b>Versus</b>   |  |             |
| <b>Union of India &amp; Others</b><br>By Legal Practitioner for Respondents     |  | Respondents |

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>17.02.2022</u></b><br/> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Rohit Kumar, Advocate holding brief of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondent Nos. 1 to 5 are present.</p> <p style="text-align: justify;">In this case notices to respondent Nos. 6 and 7 were issued on 29.01.2022 which have not been received back served or unserved.</p> <p style="text-align: center;">Wait.</p> <p style="text-align: center;">List on <b>22.03.2022</b>.</p> <p style="display: flex; justify-content: space-around; margin-top: 20px;"> <span><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)</span> <span><b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</span> </p> <p style="font-size: small; margin-top: 5px;">AKD/-</p> |

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

**Ex. A. No. 62 of 2019 Inre : O.A. No. 627 of 2017**

|   |             |
|---|-------------|
| <b>Ex. Nk. Satya Kumar Pandey</b>       | Applicant   |
| By Legal Practitioner for the Applicant |             |
| <b>Versus</b>                           |             |
| <b>Union of India &amp; Others</b>      | Respondents |
| By Legal Practitioner for Respondents   |             |

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-indent:40px">Heard Shri Virat anand Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents assisted by Major Sini Thomas, Departmental Representative.</p> <p style="text-indent:40px">An affidavit has been filed by Major Tarun V. Pillai stating therein that Director, Supply and Transport Directorate, Integrated Headquarters of Ministry of Defence, New Delhi, who was asked to appear in person before the Tribunal to explain as to why recovery of payable amount be not ordered to be made from his salary for non implementation of order, is not able to appear in person before the Tribunal due to exigencies of work, therefore, his personal appearance be exempted. It was also submitted during the course of hearing that Lt. Col. Rajeev D., Chief Record Officer, ASC Records (South), Bangalore is connected through Video Conferencing to explain the reason for delay.</p> <p style="text-indent:40px">We are not satisfied with the reasons assigned for non-appearance of the Director, Supply and Transport Directorate, Integrated Headquarters of Ministry of Defence, New Delhi.</p> <p style="text-indent:40px">We, therefore, direct that Director, Supply and Transport Directorate, Integrated Headquarters of Ministry of Defence, New Delhi and Director, PS-4, Integrated Headquarters of Ministry of Defence, New Delhi to remain physically present in Tribunal on the next date fixed to explain the reasons for non-compliance of the order.</p> <p style="text-indent:40px">List on <b>06.04.2022</b>.</p> <p style="text-indent:40px">Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |



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

**Ex. A. No. 48 of 2021 Inre : O.A. No. 14 of 2019**

**Krishna Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| Notes of the Registry | Orders of the Tribunal   |
|-----------------------|--|
|                       | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:justify">Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondent assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad).</p> <p style="text-align:justify">In regard to compliance, the Ld. Counsel for the applicant submitted that PPO has been generated and it has been received also by the applicant. He also submitted that some payments have also been received as per PPO.</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 <b>dismissed</b> being infructuous.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |

Form No. 4  
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ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.1 (E. Court)

Ex. A. No. 78 of 2021 Inre : O.A. No. 742 of 2020

|   |               |             |
|---|---------------|-------------|
| <b>Ex. Sep. Jitendra Kumar Saroj</b><br>By Legal Practitioner for the Applicant | <b>Versus</b> | Applicant   |
| <b>Union of India &amp; Others</b><br>By Legal Practitioner for Respondents     |               | Respondents |

| Notes of the Registry                                     | Orders of the Tribunal   |   |   |
|---|--|---|---|
|   | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad) is also present.</p> <p>As prayed by the Ld. Counsel for the respondents, three weeks further time is granted to file affidavit of compliance.</p> <p>List on <b>07.04.2022</b>.</p> <table border="0" style="width: 100%;"><tr><td style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)</td><td style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</td></tr></table> <p style="margin-top: 10px;">AKD/-</p> | <b>(Vice Admiral Abhay Raghunath Karve)</b><br>Member (A) | <b>(Justice Umesh Chandra Srivastava)</b><br>Member (J) |
| <b>(Vice Admiral Abhay Raghunath Karve)</b><br>Member (A) | <b>(Justice Umesh Chandra Srivastava)</b><br>Member (J)  |   |   |

**Form No. 4**  
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**Court No.1 (E. Court)**

**Ex. A. No. 79 of 2021 Inre : O.A. No. 18 of 2020**

|  |             |
|--|-------------|
| <b>Sub. (Hony. Sub. Maj.) Pradip Kumar Tiwari (Retd.)</b><br>By Legal Practitioner for the Applicant | Applicant   |
| <b>Versus</b>  |             |
| <b>Union of India &amp; Others</b><br>By Legal Practitioner for Respondents                          | Respondents |

| <b>Notes of the Registry</b>                              | <b>Orders of the Tribunal</b>   |   |   |
|---|---|---|---|
|   | <p><u><b>17.02.2022</b></u><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Advocate holding brief of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad) is also present.</p> <p>As prayed by the Ld. Counsel for the respondents, two weeks further time is granted to file affidavit of compliance annexing therewith copy of PPO.</p> <p>List on <b>24.03.2022</b>.</p><br><table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)</td><td style="width: 50%; text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</td></tr></table><br><p>AKD/-</p> | <b>(Vice Admiral Abhay Raghunath Karve)</b><br>Member (A) | <b>(Justice Umesh Chandra Srivastava)</b><br>Member (J) |
| <b>(Vice Admiral Abhay Raghunath Karve)</b><br>Member (A) | <b>(Justice Umesh Chandra Srivastava)</b><br>Member (J)   |   |   |

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**Court No.1 (E. Court)**

**Ex. A. No. 80 of 2021 Inre : O.A. No. 467 of 2019**

**Ex. Sub. Om Prakash Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the respondents, two weeks further time is granted to file affidavit of compliance annexing therewith copy of PPO.</p> <p style="text-align: center;">List on <b>11.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p> |



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**Court No.1 (E. Court)**

**Ex. A. No. 103 of 2021 Inre : O.A. No. 420 of 2019**

**Nk./Clk. (SD) Mukesh Kumar Hans**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing no one appeared on behalf of the applicant nor is there any mention to pass over the case.</p> <p>Shri D.K. Pandey, Ld. Counsel for the respondents is present and he submits that in compliance of the order passed in Original Application, the representation of the applicant has been considered and dismissed vide letter dated 03.02.2022. He further submits that copy of letter has been forwarded to the applicant also through his Counsel.</p> <p>In view of the above, Execution Application is <b>dismissed</b> being infructuous.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/>Member (A)    Member (J)</p> <p>AKD/-</p> |

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

**M.A. No. 205 of 2021 Inre : O.A. No. (Nil) of 2021**

**Rfn./Chef (Community) Devendra Mohan**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>   |
|------------------------------|---|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents contends that in regard to grievances raised in Original Application Court of Inquiry has been held and its report has been received. He further submits to grant time to bring the said report on record which is allowed.</p> <p style="text-align: center;">Let report be filed within two weeks.</p> <p style="text-align: center;">List on <b>29.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/>Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/>Member (J)</p> <p>AKD/-</p> |

Form No. 4  
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ORDER SHEET  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.1 (E. Court)

O.A. No. 121 of 2015

**Smt. Priyanka Mishra**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></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;">As per office note, notice issued to respondent No. 7 has not been served or unserved. The notice was issued on 17.01.2022.</p> <p style="text-align: center;">Wait.</p> <p style="text-align: center;">List on <b>15.03.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b><br/><b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (J)</b></p> <p>AKD/-</p> |



































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

**O.A. No. 837 of 2021 with M.A. No. 987 of 2021**

**Ex. Rect Ajit Kumar Giri**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

| <b>Notes of the Registry</b> | <b>Orders of the Tribunal</b>  |
|------------------------------|--|
|                              | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Objection filed against maintainability of O.A. is taken on record. Reply to objection filed by the applicant is also taken on record.</p> <p>Heard Shri VK Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>This application has been filed to claim damages of Rs. 1,42,59,000/- from the respondents for the physical, mental, financial, medical, children educational, litigation and ancillary losses suffered by the applicant due to being discharged from service on medical ground without granting disability pension.</p> <p>Learned counsel for the respondents submits that application filed by the applicant is not maintainable on following grounds:</p> <ol style="list-style-type: none"><li>1. Application has been filed after 4468 days from the date of discharge i.e. 15.06.2007 without any sufficient reason. The COVID period from 15.03.2020 to 12.09.2021 is not included in the above period in view of the Hon'ble Apex Court order in the matter.</li><li>2. Application is barred for not claiming relief in the earlier O.A. (O.A. No. 141 of 2013) which was filed and allowed vide order dated 29.09.2015 for disability pension. If applicant suffered damages due to not granting of disability pension at time of discharge he should have also claimed damages in this regard in the earlier O.A. as this relief also arises from the same cause of action.</li><li>3. Tribunals created under the AFT Act can decide the area of law relating to service matters only. They are not competent to get into dispute of calculation of damages, only Civil Courts are competent for such disputes.</li><li>4. Applicant has put up his case under the ambit of defamation (para 4.8 of the O.A.) which is a criminal offence under Section 499 of Indian Penal Code which can be tried by the Criminal Court.</li></ol> |



In reply, learned counsel for the applicant submits that subject matter of the dispute in application falls within purview of service matters defined under Section 3(o) of the AFT Act which Tribunal is competent to decide under Section 14 of the AFT Act.

Upon hearing submissions of learned counsel of the parties we find that instant application has been filed for damages for the losses suffered under various heads due to not granting of disability pension to the applicant at the time of discharge. We further find that keeping in view the provisions laid down in Section 2 and 3(o) of the Armed Forces Tribunal Act, 2007, Tribunals created under the AFT Act are competent to decide service matters concerning armed forces personnel, serving and retired both. Service matters do include pay and allowances, pension, retirement benefits, tenure, commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service, penal deductions and summary disposal and trials but any other matter, whatsoever, also unless the same is specifically excluded from the purview of Section 3(o) of the AFT Act. This means if compensation is claimed for the losses suffered by any wrongful act concerning to service the same will be included within any other matter and will fall under purview of service matters.

We do not agree with submission of learned respondents' counsel that Tribunals created under the AFT Act are not competent to get into dispute of calculation of damages suffered by the applicant. Tribunal constituted under the Act has power to pass all necessary orders to meet the ends of justice. We do not see force in submission that Tribunal cannot get into dispute of calculation of actual loss or damages suffered by parties to a proceeding, only Civil Court is competent to get into such disputes. Thus, objection raised in this regard is overruled.

We further find that applicant has no grievance against his discharge. His grievance is against denial of disability pension by the respondents on account of which he suffered losses under the various heads given in the application. Against the same denial he had filed the earlier O.A. (O.A. No. 141 of 2013) wherein he had claimed relief of disability pension only. No relief of damages was claimed in the said O.A. whereas both reliefs arise from the same cause of action. It is settled in law that if more than one relief arises from the same cause of action all should be claimed in one suit/application. Separate suit/application cannot be filed for each relief. It is barred under Order 2 Rule 2 C.P.C. Submission of learned counsel for the respondents that application for damages could only be filed after the relief of disability pension was granted is not acceptable as cause of action for the relief of compensation had arisen with denial of disability claim by the respondents and not with grant of disability pension by the Tribunal in earlier O.A. Thus, we find that O.A. which is filed for the grant of damages for the losses suffered by the applicant is barred in law in view of Order 2 Rule 2 of the Civil Procedure Codes.

In regard to long delay of 4468 days in filing of application, applicant has given a very evasive reply in affidavit filed in support of delay condonation application. He has stated that delay and latches have no meaning in the matter of continuing wrong. He has further stated that in case of pensionary matter cause of action accrues every month. The cause shown by the applicant is absolutely incorrect as it is not a pensionary matter rather it is a case of damages wherein each day delay is required to be explained with cogent and reliable reasons which applicant has utterly failed. Delay of 4468 days can be condoned on assigning sufficient reasons only which we do not find in the instant case. Thus, we find that application is not maintainable on delay and latches also.

In view of above, both the delay condonation application and Original Application are **dismissed**.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

SB

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

**O.A. (A) No. 205 of 2021**

**Sep Pawan Chandra Bhatt through mother Smt Kamla Devi**      Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

| Notes of the Registry | Orders of the Tribunal   |
|-----------------------|--|
|                       | <p><b><u>17.02.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Rohit Kumar, Advocate holding brief of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel holding brief prays for adjournment.</p> <p style="text-align: center;">As prayed, the case is adjourned today.</p> <p style="text-align: center;">List on <b>26.04.2022</b> for hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b><br/><b>Member (A)</b>      <b>Member (J)</b></p> <p>SB</p> |



















