









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

**O.A. No. 401 of 2022**

**Nk. Akhil George**

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>18.05.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <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 Rajesh Shukla, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Heard Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This is an Original Application filed by the applicant seeking premature discharge from service.</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. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any.</p> <p style="text-align: center;">List the matter before Registrar on <b>11.07.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>03.08.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <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

O.A. No. 405 of 2022 with M.A. No. 451 of 2022

Ex. Nk. Gambhir 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><b><u>18.05.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Alok Kumar Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Dr. Amit Asthana, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.</p> <p>Applicant has filed this Original Application for the grant of disability pension. It is submitted that claim of the applicant for the grant of disability pension has been wrongly denied by the respondents.</p> <p>There being a delay of 14 years, 08 months and 19 days in filing of Original Application, an application for condonation of delay has been filed.</p> <p>It is submitted by the Ld. Counsel for the applicant that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer on the premise that delay has not been properly and satisfactorily explained.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering that matter pertains to grant of disability pension wherein bar of limitation is not applicable we deem it appropriate to condone the delay in filing of Original Application. Accordingly, delay is <b>condoned</b>. Delay condonation application stands disposed off accordingly.</p> <p><b><u>O.A. No. 405 of 2022</u></b></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 <b>11.07.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>03.08.2022</b>.</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**  
**Court No.1**

**O.A. No. 408 of 2022**

**Rect. Rinku Sharma**  
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>18.05.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Dr. Shailendra Sharma Atal, 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;">Heard Shri Arvind Kumar Jauhari, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed against the order dated 03.09.2021 of respondent No. 3 by which applicant has been dismissed from service.</p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that applicant has been wrongly dismissed from the service.</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. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any.</p> <p style="text-align: justify;">List the matter before Registrar on <b>11.07.2022</b> for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on <b>03.08.2022</b>.</p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: justify;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>







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

**Ex. A. No. 149 of 2022 Inre : O.A. No. 126 of 2021**

**Ex. Hav. Sur Sari Charan 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>18.05.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondent Nos. 1 to 5 is taken on record. His name be shown as Counsel for the respondent Nos. 1 to 5 when the case is listed next.</p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondent Nos. 1 to 5 are present.</p> <p>This application has been filed for implementation of order dated 15.07.2021 in Original Application No. 126 of 2021.</p> <p>Ld. Counsel for the respondent Nos. 1 to 5 prays for and is granted four weeks time to seek instruction and to file affidavit of compliance.</p> <p>Issue notice to the respondent Nos. 5 and 6 returnable within four weeks.</p> <p>Steps for notice be taken within a week.</p> <p>List on <b>03.08.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>



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

**M.A. No. 453 of 2022 with M.A. No. 454 of 2022 Inre : O.A. No. 802 of 2021**

**Union of India & Others**  
By Legal Practitioner for the Applicants

Applicants

**Versus**

**Col. Rajiv Kacker (Retd.)**  
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>18.05.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Devesh Kumar Mishra, Ld. Counsel for the applicants – Union of India &amp; Others.</p> <p>The applicants – Union of India &amp; Others have filed this application seeking leave to appeal against decision of this Tribunal dated 21.03.2022 of this Tribunal in Original Application No. 802 of 2021.</p> <p>By means of this order the Original Application has been allowed and respondents have been directed to grant disability element of pension to the applicant deemed to be 20% for life which would stand rounded off to 50% for life from the next date of applicant's superannuation i.e. 01.10.2018 and arrears have been restricted for a period of three years preceding the date of filing of Original Application.</p> <p>There being a delay of twenty days in filing of Leave to Appeal, a delay condonation application has been filed wherein the applicants have stated that delay in filing of application is not deliberate.</p> <p>We have gone through the facts stated in affidavit filed in support of application and we find that cause shown for the delay is not sufficient. Therefore, delay in filing of application is not condonabale.</p> <p>In the result, delay condonation application is <b>dismissed</b>.</p> <p>Leave to Appeal being time barred is also <b>dismissed</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

M.A. No. 455 of 2022 with M.A. No. 456 of 2022 Inre : O.A. No. 310 of 2021

Union of India & Others  
By Legal Practitioner for the Applicants

Applicants

**Versus**

Ex. Hav. Akhilesh Kumar Ojha  
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>18.05.2022</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 Devesh Kumar Mishra, Ld. Counsel for the applicants – Union of India &amp; Others.</p> <p>The applicants – Union of India &amp; Others have filed this application seeking leave to appeal against decision of this Tribunal dated 24.11.2021 of this Tribunal in Original Application No. 310 of 2021.</p> <p>In view of order dated 10.01.2022 of the Hon'ble Apex Court in Miscellaneous Application No. 21/2022 in MA 665/2021 in Suo Motu Writ Petition (C) No.3/2020, there is no delay in filing of Leave to Appeal, however, an application for condonation of delay has been moved which being not required is <b>dismissed</b>.</p> <p>Upon hearing submission of Ld. Counsel for the applicants – Union of India &amp; Others, we find that no point of law of general public importance is involved in the decision so that leave may be granted to the applicants to file Appeal.</p> <p>In the result, Leave to Appeal is also <b>dismissed</b>.</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**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1**

**Ex. A. No. 59 of 2019 Inre : O.A. No. 182 of 2017**

**Ex. Sep. Neeraj Bhatt**  
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>18.05.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Major Sini Thomas, Departmental Representative for the respondents.</p> <p>This is an application for implementation of order dated 15.10.2018 in Original Application No. 182 of 2017. By means of this order the Original Application has been allowed and respondents have been directed to reinstate the applicant in service with further direction that applicant shall get 20% of the salary for the period during which he remained out of service. It is further directed in the order that it would be implemented within six months from the date of receipt of certified copy of the order. When the order was not complied with in the given time, this Execution Application was filed on 05.05.2019.</p> <p>On the last date i.e. 07.03.2022, it was stated by the Ld. Counsel for the respondents that Government Sanction in the matter has been accorded and PPO is in the process of generation which may take 2 - 3 weeks, and based on this submission respondents were granted three weeks time for generation of PPO with further direction that in the event of failing the officer responsible for implementation of the order shall remain physically present on the next date fixed to explain why coercive measure be not taken for non-compliance of the order.</p> <p>We are pained to note that neither the order has been complied with by generating PPO nor the officer responsible for implementation of the order is physically present in the Tribunal to explain the reason why the order has not been complied with and why coercive measure be not taken against him for non-compliance.</p> <p>A submission has been made today by Ld. Counsel for the respondents that delay is on the part of the applicant as he failed to sign required documents for generation of the PPO. The further submission has</p>

been made that after the documents being signed by the applicant, the same have been sent to the concerned Unit by the Records to complete the formalities. Thereafter, the case would be processed to Principal Controller of Defence Accounts (Pension), Prayagraj for generation of PPO.

From the above it appears that respondents are not careful at all about the order passed by this Tribunal and also the submission made by their Counsel on the last date that PPO would be generated within 2-3 weeks was made unseriously just for buying time.

In the circumstances, we direct Brig. Rajesh Singh, VSM, Centre Commandant, B.E.G., Roorkee, who is responsible for the implementation of the order, to remain physically present in the Tribunal on 26.07.2022 to file his personal affidavit why contempt proceedings be not initiated against him for non-compliance of the order.

List on **26.07.2022**.

Copy of this order be given to Ld. Counsel for the respondents/AFT Legal Cell to ensure its service to the officer concerned.

Registry is also directed to serve the copy of the order to the concerned officer well within time.

**(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**  
**Court No.1**

**Ex. A. No. 81 of 2019 Inre : O.A. No. 236 of 2018**

**Ex. Hav. (Hony. Nb. Sub.) Phool Chand**  
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><u><b>18.05.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: justify;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 3 assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p style="text-align: justify;">The dispute involved in the present application is with regard to grant of benefit of rounding off of the disability pension from 30% to 50% for the period from 08.01.2015 to 31.12.2015. In regard to this a notice was issued to respondent No. 4, the Pension Disbursing Authority, to submit response, however, despite the service of notice none has appeared even after notice was served again by the registry.</p> <p style="text-align: justify;">In the circumstances, registry is directed to issue Bailable Warrant against Branch Manager, Bank of Baroda, Gandhi Chowk, Jhunjhunu, Rajasthan-333001.</p> <p style="text-align: justify;">Our attention has been drawn to paragraphs 2 and 3 of order dated 21.03.2022 wherein Circular No. 631 dated 05.03.2020 issued by Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad) has been mentioned. It has been submitted that correct Circular Number is "596" and it is dated "09.02.2018" which should be mentioned in the order, which is allowed.</p> <p style="text-align: justify;">Let correction in paragraphs 2 and 3 of the order dated 31.03.2022 be made as above.</p> <p style="text-align: justify;">List on <b>04.08.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p style="text-align: left;">AKD/-</p>





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

**O.A. No. 413 of 2022**

**Ex. Rfn. Brijesh Kumar Srivastava**  
 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>18.05.2022</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>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>Heard Shri Rang Nath Pandey and Shri Rahul Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>It is a fresh case pertaining to pay and allowances.</p> <p>As per office note, there is no delay in filing of Original Application.</p> <p>Matter 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 <b>11.07.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>03.08.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p>
	AKD/-









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

**O.A. No. 870 of 2021**

**Ex. Sep Anand Singh Chauhan**  
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>18.05.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Ms. Jaipriya Swapni, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted two weeks time to file rejoinder affidavit.</p> <p>List on <b>10.08.2022</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>































