

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

O.A. No. 34 of 2022 with M.A. No. 43 of 2022

Ex. Nk. Ram Babu Pal
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>19.01.2022</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. Gyan Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri J.N. Mishra, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>There is a delay of 15 years, 05 months and 13 days regarding which an application for condonation of delay has been filed. In support thereof an affidavit has also been filed stating that delay in filing of Original Application is not intentional, but for the reasons stated.</p> <p>Ld. Counsel for the applicant has also submitted that bar of limitation is not applicable in pensionary matter.</p> <p>Ld. Counsel for the respondents vehemently opposes the prayer and submits that there being a long delay of more than 15 years and the same being not properly and satisfactorily explained, delay should not be condoned.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering that bar of limitation is not applicable in pensionary matter and also that cause shown for the delay, if any, is sufficient, it is proper to condone the delay. Accordingly, delay is condoned.</p> <p>Delay condonation application stands allowed accordingly.</p> <p><u>O.A. No. 34 of 2022</u></p> <p>Matter needs adjudication. 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 11.03.2022 for exchange of pleadings. List the matter before Tribunal on 06.04.2022.</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>

AKD/-

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

Ex. A. No. 9 of 2022 Inre : O.A. No. 330 of 2019

Ex. Hav. Vikram Singh Bhandari
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>19.01.2022</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;">Memo of Appearance filed by Shri Kaushik Chatterjee, 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 R. Chandra, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</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 four weeks time to seek instructions in the matter.</p> <p style="text-align: center;">List on 21.03.2022.</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
Court No.1 (E. Court)

Ex. A. No. 11 of 2022 Inre : O.A. No. 619 of 2021

Brig. Javed Iqbal 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>19.01.2022</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;">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 K.C. Ghildiyal and Shri R. Chandra, 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 a week time to seek instructions in the matter.</p> <p style="text-align: center;">List on 28.01.2022.</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
Court No.1 (E. Court)

Ex. A. No. 206 of 2017 Inre : O.A. (A) No. 314 of 2015

Shiv Ram Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2022</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p style="text-align: center;">While drawing our attention of Page No. 4 of the Supplementary Affidavit dated 04.10.2021 Ld. Counsel appearing on behalf of applicant submits that it shows that after dismissal of the applicant being set aside he has been reinstated in the rank of Naik, not in the rank of Havildar which he was holding before the Summary Court Martial. Thus, his submission is that respondents have not implemented the order in its perspective, therefore, a direction be issued to them to implement the order in letter and spirit.</p> <p style="text-align: center;">In reply, the Ld. Counsel for the respondents submits that in current PPO No. 157201803025 dated 17.08.2018 issued in the matter applicant has been shown in the rank of Naik ACP-I which is equivalent to rank of Havildar and applicant has also been receiving the pension in the same rank i.e. Havildar. Thus, he submits that there is no discrepancy in the implementation of the order, rather the order being implemented as it is, Execution Application should be dismissed being infructuous.</p> <p style="text-align: center;">During the course of hearing Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj (Allahabad) is present in the Court and he submits that post of Naik ACP-I and Havildar are one and the same. He also submits that applicant is receiving pension of Havildar (Pay Matrix Level – 5).</p> <p style="text-align: center;">It is not disputed that when applicant was dismissed from service he was in the rank of Havildar and as per PPO No. 157201803025 dated 17.08.2018 the applicant is not only placed in the rank of Naik ACP-I which is equivalent to Havildar but he is also receiving pension of Havildar which shows that there is no discrepancy in the implementation of the order, rather the order being correctly being implemented, the Execution Application deserves to be dismissed.</p> <p style="text-align: center;">Accordingly, Execution Application is dismissed being infructuous.</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
Court No.1 (E. Court)

Ex. A. No. 12 of 2018 Inre : O.A. No. 149 of 2013

Smt. Munni Devi 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>19.01.2022</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 D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>During the course of hearing Shri Ashok Kumar, Ld. Counsel appearing on behalf of the applicant submits that in regard to compliance of the order he has submitted necessary documents at the Office of District Sainik Kalyan Board on 13.01.2022 to which the submission of Ld. Counsel for the respondents is that since the documents submitted by the applicant have not yet been received in the Records, four weeks further time be granted to make compliance of the order which is allowed.</p> <p style="text-align: center;">List on 07.03.2022.</p> <table style="width: 100%;"><tr><td style="text-align: center; width: 50%;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center; width: 50%;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></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
Court No.1 (E. Court)

Ex. A. No. 01 of 2021 Inre : O.A. No. 403 of 2018

Ex. Sub. Chandreshwar 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>19.01.2022</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 R. Chandra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents and, as a last chance, four weeks further time is granted to file affidavit of compliance.</p> <p>List on 10.03.2022.</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
Court No.1 (E. Court)

Ex. A. No. 10 of 2021 Inre : T.A. No. 39 of 2016

Ex. Naik Shiv Sewak
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>19.01.2022</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 Yashpal Singh, Ld. Counsel for the applicant, Shri Bipin Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 3.</p> <p style="text-align: center;">No one is present on behalf of respondent No. 4.</p> <p style="text-align: center;">On perusal of affidavit of compliance filed by the respondent No. 4 Bank of Baroda it appears that it has paid interest to the applicant upto July, 2018 only and not thereafter. In para Nos. 5 and 6 of the affidavit of compliance the Bank has stated that they have paid the amount as approved and disbursed by the respondent No. 2 CPC. They have also stated that if any other amount is also found due for payment as per Judgment and Order and is disbursed by the respondent No. 2 CPC the Bank will pay that amount.</p> <p style="text-align: center;">We have gone through the PPO issued in the matter in which it is specifically stated that interest on arrears of disability pension is payable @10%. This shows that Bank is under obligation to pay the interest at the above rate and for that no further sanction/order is required at the end of respondent No. 2 CPC.</p> <p style="text-align: center;">Respondent No. 4 – Bank of Baroda is directed to make compliance of the order in letter and spirit within three weeks from today and to file affidavit of compliance failing which Branch Manager, Bank of Baroda, Kakwan, Kanpur Dehat shall remain physically present in the Tribunal on the date fixed to explain the reason for non-compliance of the order.</p> <p style="text-align: center;">List on 24.02.2022.</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
Court No.1 (E. Court)

M.A. No. 37 of 2021 Inre : O.A. No. (Nil) of 2021

Hav. Joshi Suryakant Rama Rao
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>19.01.2022</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 and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p style="text-align:justify">Shri Manoj Kumar Awsthi, Advocate holding brief of Shri Pankaj Kumar Tiwari, Ld. Counsel for the applicant is present and he submits to adjourn the hearing which is allowed.</p> <p style="text-align:center">List on 08.03.2022.</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
Court No.1 (E. Court)

O.A. No. 421 of 2019

Ex. Lance Nk. Dharendra 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>19.01.2022</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 Manoj Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on 09.02.2022.</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
Court No.1 (E. Court)

O.A. No. 122 of 2021 with M.A. No. 50 of 2022 Diary No. 2928 of 2021

<p>Ex. Rect. Hambir Singh By Legal Practitioner for the Applicant</p>	<p>Applicant</p>
Versus	
<p>Union of India & Others By Legal Practitioner for Respondents</p>	<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2022</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 K.K. Misra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p>Smt. Angoori Devi W/o Late applicant - Ex. Rect. Hambir Singh has filed this application seeking substitution of her name in place of original applicant in Original Application. She has stated that original applicant Ex. Rect. Hambir Singh has died during the pendency of Original Application on 23.04.2021.</p> <p>In support, death certificate has been filed.</p> <p>Upon hearing submissions of Ld. Counsel of both sides we find that substitution application is liable to be allowed.</p> <p>Accordingly, substitution application is allowed.</p> <p>Let amendment be incorporated in Original Application within a week.</p> <p>List on 28.01.2022.</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> </div> <div style="text-align: center;"> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> </div> </div> <p style="font-size: small;">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. 491 of 2021

Ex. Sgt. Shyam Prakash 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><u>19.01.2022</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 Keshav Sharma, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents, two weeks further time is granted to file Counter Affidavit.</p> <p>List on 18.02.2022.</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
Court No.1 (E. Court)

O.A. No. 602 of 2021

Ex. Hav. Jit Bahadur Thapa
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>19.01.2022</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 Kaushik Chatterjee, 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 Counter Affidavit.</p> <p style="text-align: center;">List on 14.02.2022.</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
Court No.1 (E. Court)

O.A. No. 605 of 2021

Ex. Nk. Sardar Alam Khan
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>19.01.2022</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 V.P. Pandey, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents and, as a last chance, a week further time is granted to file Counter Affidavit.</p> <p>List on 02.02.2022.</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
Court No.1 (E. Court)

O.A. No. 606 of 2021

Ex. JWO Vinod 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>19.01.2022</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 R. Chandra, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents and, as a last chance, two weeks further time is granted to file Counter Affidavit. It is also clarified that if the Counter Affidavit is not filed within the given time opportunity of filing the same shall stand closed without any reference.</p> <p>List on 11.02.2022.</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
Court No.1 (E. Court)

O.A. No. 607 of 2021

Ex. MWO Rajesh 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>19.01.2022</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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents, a week further time is granted to file Counter Affidavit.</p> <p>List on 02.02.2022.</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
Court No.1 (E. Court)

O.A. No. 609 of 2021

Ex. Sub. Shishu Pal Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2022</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 V.P. Pandey and Shri R.K. Singh, 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 No.1

O.A. No. 608 of 2021

Lt. Cdr. Vineet Walia (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>19.01.2022</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 Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Shri Amit Jaiswal, learned counsel for the respondents submits that six weeks further time be granted to file counter affidavit which is allowed.</p> <p>List on 25.02.2022.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>UKT/-</p>

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

O.A. No. 665 of 2021

Ex. NC (E) Uma Shankar 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>19.01.2022</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 Vinay Pandey, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents, four weeks further time is granted to file counter affidavit.</p> <p style="text-align: center;">List on 10.03.2022.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p>UKT/-</p>

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

O.A. No. 620 of 2021

Ex Sub Umesh Chandra
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>19.01.2022</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 Parijaat Belaura, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant, two days time is granted to file rejoinder affidavit.</p> <p>List on 24.01.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No. 666 of 2021

Ex. Nk Hira Lal

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>19.01.2022</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 R Chandra, Ld. Counsel for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, four weeks further time is granted to file counter affidavit.</p> <p>List on 16.03.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No. 130 of 2017

Ashok Kumar Kushwaha 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>19.01.2022</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 Sachindra Pratap Singh and Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterji, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the applicant submits that paper book is not available today and prays for adjournment of the case which is allowed.</p> <p style="text-align: center;">List on 10.03.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No. 517 of 2017

Rahul 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>19.01.2022</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 Vinay Pandey, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents.</p> <p>The applicant was enrolled in the army on 17.06.2015. He was admitted in Military Hospital Hisar, where he was diagnosed a case of 'Adjustment disorder with brief depressive reaction for recat'. He was recommended to be invalided out of service by Classified Specialist (Psychiatry) of Base Hospital Delhi Cantt. He was invalided out from service in September 2017. Applicant approached various hospitals and doctors have not found applicant suffering with any psychiatry illness. The applicant represented his grievance with Higher Army authority vide his representation dated 03.11.2017 for re-enrolment in the army but no action was taken. By means of instant, O.A., applicant prays that discharge order issued by the respondents be quashed and directions be issued to re-enrol the applicant in the army.</p> <p>Applicant was invalided out from service and he was not granted any disability pension. Applicant approached the doctors who assured that applicant is fit for re-enrolment in the army. As per para 143 of Regulations for the Army, 1987, ex-servicemen who are in receipt of disability pension will not be accepted for re-enrolment in the army. Ex-servicemen medically boarded out without any disability pension will be eligible for re-enrolment, either in combatant or non combatant (enrolled) capacity in the army, provided they are re-medically boarded and declared fit by the medical authorities. If such an ex-servicemen applies for re-enrolment and claims that he is entirely free from disability for which invalided, he will be medically examined by the Rgt Med Offr and if he considers him fit, the applicant will be advised to apply to officer in charge, records office concerned, through the recruiting officer for getting</p>

himself re-medically boarded. If the individual is found fit and re-enrolled on regular engagement, he will be enlisted for the full period of combined colour and reserve service.

In the instant case applicant was not granted any disability pension. Further doctors in various hospitals have declared him fit for army service.

In view of above, respondents are directed to arrange re-medical examination of the applicant within two months and if the applicant is found fit, he shall be enrolled in the army as per rules.

With the aforesaid directions, the O.A. is disposed of finally.

Copy of this order be provided to learned counsel of both the parties free of cost for implementation.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-

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

O.A. No. 10 of 2018

YPS Chauhan
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>19.01.2022</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents assisted by Capt Priyanka, Departmental Representative for the respondents.</p> <p style="text-align: center;">In the counter affidavit respondents have stated that Sub Bhoori Singh was promoted on the rank of Paid Acting Nk on 01.07.1992 whereas applicant was promoted to the rank of Paid Acting Nk wef 17.08.1992 and this is the reason for variation in pay and allowances as dates of further promotion in various ranks are also different.</p> <p style="text-align: center;">Applicant has filed promotion details of Sub Bhoori Singh and him on page 14 and 15 respectively along with O.A.. wherein date of promotion in the rank of Naik and thereafter in further ranks of Sub Bhoori Singh and applicant have been shown one and the same. When attention of learned counsel for the respondents was drawn to this aspect and he was asked to explain the same, he sought two weeks time to seek instructions from the Records which is allowed.</p> <p style="text-align: center;">Respondents are directed to bring on record original records relating to Sub Bhoori Singh as well as applicant for perusal of the Bench on the next date fixed.</p> <p style="text-align: center;">List on 24.02.2022.</p> <p style="text-align: center;">A copy of this order be provided to learned counsel for the respondents free of cost for implementation.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No. 311 of 2020

Smt. Prabhawati Devi
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>19.01.2022</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 BB Tripathi and Shri Amit Verma, Ld. Counsel for the applicant and Dr. Chet Narayan Singh and Shri Gaurav Gunjan, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Shri Gaurav Gunjan, learned counsel for respondents No 4 and 5, two days further time is granted to file affidavit of compliance.</p> <p style="text-align: center;">List on 20.01.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A.(A) 383 of 2018 alongwith O.A. (A) 169 of 2020

Ex. Cpl. Achchhan Sekh through his wife Shaheen Sekh By Legal Practitioner for the Appellant	Versus	Appellant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2022</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 Yashpal Singh, Ld. Counsel for the appellant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Matter needs physical hearing.</p> <p style="text-align: center;">List on 23.03.2022 for physical hearing.</p> <p style="text-align: justify;">On the date fixed, respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="display: flex; justify-content: space-between; margin-top: 10px;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>

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

O.A. (A) No.672 of 2020

Ex. Sep Randhir Kumar
By Legal Practitioner for the Appellant

Appellant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.01.2022</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 Col. Ashok Kumar (Retd) and Shri Rohit Kumar, Ld. Counsel for the appellant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Matter needs physical hearing.</p> <p style="text-align: center;">List on 06.04.2022 for physical hearing.</p> <p style="text-align: center;">On the date fixed, respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No. 246 of 2021

Ex. Hav. Uma Shankar 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>19.01.2022</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 Manish Misra and Shri Gaurav Upadhyay, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Argument concluded.</p> <p style="text-align: center;">Order reserved.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>