O.A. No. 76 of 2022

Ex. Hav. (ACP Nb. Sub.) Girish ChandraBy Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Counter Affidavit filed by the respondents is taken on record. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri G.S. Sikarwar, 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.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 872 of 2021

Ex. Sep. Kamal Kishore

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Orders of the Tribunal
19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
Rejoinder Affidavit filed by the applicant is taken on record. Heard Shri Manoj Kumar Awasthi, 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.
(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

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

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

O.A. No. 410 of 2022 with M.A. No. 457 of 2022

Ex. Hav. (Hony. Nb. Sub.) Ram Raj Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

19.05.2022

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the Registry

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

Memo of Appearance filed by Shri Devesh Kumar, Advocate on behalf of the respondents is taken on record.

Heard Shri Jay Krishna Shukla, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents.

The Original Application has been filed with delay of 34 years, 02 months and 26 days.

Submission of learned counsel for the applicant is 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.

Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.

Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.

Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.

O.A. No. 410 of 2022

Ld. Counsel for the applicant submits that Original Application may be disposed off with direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21st February, 2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, to which Ld. Counsel for the respondents has no objection.

With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to revise the pension of applicant in terms of letter No. 1(13)/2016/D(Pen/Policy) dated 21.02.2020 issued by Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi, within a period of three months from the date of receipt of copy of this order and communicate to the applicant accordingly after verifying the documents.

Let 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)

O.A. No. 411 of 2022

BHM (Gnr.) Ram Babu

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
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	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Ms. Appoli Srivastava, Advocate on
	behalf of the respondents is taken on record.
	Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and
	Ms. Appoli Srivastava, Ld. Counsel for the respondents.
	With the consent of Ld. Counsel for the parties, we hereby dispose of
	the Original Application finally with the direction to the respondents to decide
	the applicant's Statutory Complaint dated 27.02.2022, annexed as Annexure
	No. A-9 of Original Application, by a speaking and reasoned order in
	accordance with law, if not already decided, within a period of two months from
	the date of receipt of copy of this order and communicate the decision to the
	applicant accordingly.
	Let copy of this order be provided to the learned Counsel for the
	parties.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 412 of 2022

Hav. (DMT) Jitendra Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

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19.05.2022

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

Memo of Appearance filed by Shri Namit Sharma, Advocate on behalf of the respondents is taken on record.

Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.

Applicant has filed this Original Application seeking direction to respondents to promote him to the rank of Naib Subedar with effect from 01.01.2022 after setting aside the orders leading to denial of his promotion.

It is submitted by the Ld. Counsel for the respondents that in regard to grievance raised in Original Application applicant has preferred a Statutory Complaint under Section 26 of the Indian Army Act, 1950 which is dated 18.04.2022. It is further submitted that as required period of six months for disposal of Statutory Complaint has not passed, therefore the Original Application should be dismissed in view of Section 21(1) of the Armed Forces Tribunal Act, 2007.

During the course of hearing, Ld. Counsel for the applicant admitted that applicant has preferred a Statutory Complaint against his grievance which is dated 18.04.2022.

Section 21 (1) of the Armed Forces Tribunal Act, 2007 provides that Tribunal shall not ordinarily admit an application unless it is satisfied that applicant had availed of the remedies available to him under the respective Act, as the case may be, and respective rules and regulations made thereunder.

Sub-Section (2) of the above Section provides that a person shall be deemed to have availed of all the remedies available to him under the respective Act and respective Rules and regulations –

- (a) if a final order has been made by the Central Government or other authority or officer or other person competent to pass such order under the said Acts, rules and regulations, rejecting any petition preferred or representation made by such person;
- (b) where no final order has been made by the Central Government or other authority or officer or other person competent to pass such order with

regard to the petition preferred or representation made by such person, if a period of six months from the date on which such petition was preferred or representation was made has expired.

In the present case, admittedly, the Statutory Complaint which the applicant has preferred is dated 18.04.2022. The said complaint has not yet been disposed off nor the period of six months from the date when the compliant was made has passed. Applicant has also not assigned any reason why his Original Application should be entertained before the expiry of six months period.

In the circumstances we find that since Original Application has been filed before the expiry of six months from the date of submission of the Statutory Complaint without any justifiable reason the same is liable to be dismissed being not maintainable in view of Section 21(1) of the Armed Forces Tribunal Act, 2007.

Accordingly, Original Application is dismissed being not maintainable with liberty to file afresh in accordance with law.

(Vice Admiral Abhay Raghunath Karve)

Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

O.A. No. 414 of 2022

Hav. (DMT) Chauhan Dharmendra

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

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Registry	

Orders of the Tribunal

19.05.2022

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

Memo of Appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record.

Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.

Applicant has filed this Original Application seeking direction to respondents to promote him to the rank of Naib Subedar with effect from 01.11.2021 after setting aside the orders leading to denial of his promotion.

It is submitted by the Ld. Counsel for the respondents that in regard to grievance raised in Original Application applicant has preferred a Statutory Complaint under Section 26 of the Indian Army Act, 1950 which is dated 13.04.2022. It is further submitted that as required period of six months for disposal of Statutory Complaint has not passed, therefore the Original Application should be dismissed in view of Section 21(1) of the Armed Forces Tribunal Act, 2007.

During the course of hearing, Ld. Counsel for the applicant admitted that applicant has preferred a Statutory Complaint against his grievance which is dated 13.04.2022.

Section 21 (1) of the Armed Forces Tribunal Act, 2007 provides that Tribunal shall not ordinarily admit an application unless it is satisfied that applicant had availed of the remedies available to him under the respective Act, as the case may be, and respective rules and regulations made thereunder.

Sub-Section (2) of the above Section provides that a person shall be deemed to have availed of all the remedies available to him under the respective Act and respective Rules and regulations –

- (a) if a final order has been made by the Central Government or other authority or officer or other person competent to pass such order under the said Acts, rules and regulations, rejecting any petition preferred or representation made by such person;
- (b) where no final order has been made by the Central Government or other authority or officer or other person competent to pass such

order with regard to the petition preferred or representation made by such person, if a period of six months from the date on which such petition was preferred or representation was made has expired.

In the present case, admittedly, the Statutory Complaint which the applicant has preferred is dated 13.04.2022. The said complaint has not yet been disposed off nor the period of six months from the date when the compliant was made has passed. Applicant has also not assigned any reason why his Original Application should be entertained before the expiry of six months period.

In the circumstances we find that since Original Application has been filed before the expiry of six months from the date of submission of the Statutory Complaint without any justifiable reason the same is liable to be dismissed being not maintainable in view of Section 21(1) of the Armed Forces Tribunal Act, 2007.

Accordingly, Original Application is dismissed being not maintainable with liberty to file afresh in accordance with law.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

Ex. A. No. 150 of 2022 Inre: O.A. No. 407 of 2020

Ex. Sub. Kailash Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

(Justice Umesh Chandra Srivastava)

Member (J)

Notes of the Registry	Orders of the Tribunal	
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Memo of Appearance filed by Ms. Anju Singh, Advocate on behalf of	
	the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.	
	On the case being taken up for hearing Shri Parijaat Belaura, Ld.	
	Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents	
	are present.	
	This application has been filed for implementation of order dated 26.07.2021 of this Tribunal in Original Application No. 407 of 2020 by which	
	respondents have been directed to grant disability element to the applicant @20% for life which would stand rounded off to 50% for life from the date of	
	receipt of a certified copy of the order. It is submitted by Ld. Counsel for the applicant that more than four	
	months period have elapsed from the date of production of certified copy of	
	order, however, the same has not been implemented as yet.	
	Ld. Counsel for the respondents prays for and is allowed four weeks	
	time to seek instruction and to file affidavit of compliance.	
	List on 18.08.2022 .	

(Vice Admiral Abhay Raghunath Karve)
Member (A)

Ex. A. No. 151 of 2022 Inre: O.A. No. 666 of 2017

Ex. Nk. (Reservist) Avadh Narain

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

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19.05.2022

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

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

On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.

This application has been filed for implementation of order dated 25.02.2021 of this Tribunal in Original Application No. 666 of 2017 by which respondents have been directed to grant ordinary service pension of Sepoy from the date of final discharge. Respondents have been further directed to grant him (applicant) service gratuity and benefit of OROP, however, arrears of pension was restricted to three years prior to filing of Original Application. Respondents were further directed to complete the entire exercise within four months from the date of receipt of a certified copy of order.

It is submitted by Ld. Counsel for the applicant that more than four months period have elapsed from the date of production of certified copy of order, however, the same has not been implemented as yet.

Ld. Counsel for the respondents prays for and is allowed four weeks time to seek instruction and to file affidavit of compliance.

List on 18.08.2022.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

Ex. A. No. 152 of 2022 Inre: O.A. No. 21 of 2018

Ex. Nk/SKT Uma Shankar Yagik

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of	Orders of the Tribunal
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19.05.2022

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

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

On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.

This application has been filed for implementation of order dated 30.09.2021 of this Tribunal in Original Application No. 21 of 2018 2017 by which respondents have been directed to release service pension to the applicant in accordance with PPO dated 17.06.2000 issued by PCDA (P) Allahabad and also conduct RMB of the applicant which was not conducted at the time of discharge from service. The respondents have been further directed to give the effect of order within a period of four months from the date of receipt of certified copy of the order.

It is submitted by Ld. Counsel for the applicant that more than four months period have elapsed from the date of production of certified copy of order, however, the same has not been implemented as yet.

Ld. Counsel for the respondents prays for and is allowed four weeks time to seek instruction and to file affidavit of compliance.

List on 18.08.2022.

(Vice Admiral Abhay Raghunath Karve) Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

Ex. A. No. 201 of 2016 Inre: T.A. No. 111 of 2012

Vineeta Kohli Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Ram Kumar Verma, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. In regard to compliance, Ld. Counsel for the respondents prays for and is granted four weeks further time to file affidavit of compliance. List on 27.07.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex. A. No. 69 of 2019 Inre: O.A. No. 583 of 2017

Ex. Sep. Ajay Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of Orders of the Tribunal the Registry

19.05.2022

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

Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.

This application has been filed for implementation of order dated 29.01.2019 of this Tribunal in Original Application No. 583 of 2017 by which respondents have been directed to reinstate the applicant in service forthwith with all consequential benefits with entitlement of only 50% back wages for the period he has remained out of service. In the order it is also provided that respondents shall complete the exercise of payment etc. to the applicant within a period of four months from the date of order and in the event of failure they shall be liable to pay interest @9% per annum on the total amount accrued from the due date till actual payment.

In compliance, it is submitted by Ld. Counsel for the respondents that applicant was reinstated in service on 24.09.2020 and for the period from 21.01.2012 to 23.09.2020, the period during which he was out from service, 50% back wages amounting to Rs.20,23,840/- has been paid to the applicant which includes Rs.1,92,137/- which has been deducted from the amount payable to the applicant towards Income Tax and Education Cess. It is further submitted that after deducting the aforesaid amount a sum of Rs.16,55,328/- has been credited in applicant's account. It is further submitted that since the order in question has been fully complied with by the respondents, as stated above, Execution Application be dismissed being infructuous.

Contrarily, it is submitted by the Ld. Counsel for the applicant that as per order passed by this Tribunal the respondents have to pay 50% back wages for the period from 21.01.2012 to 29.01.2019 only and thereafter applicant is entitled to get full pay and allowances. It is further submitted that applicant is entitled to consequential benefits also, as said in the order, which include Children Education Allowance, MACP, House Rent Allowance, Transport Allowance, Alcohol Allowance and Army Group Insurance (AGI).

After having heard the submission of Ld. Counsel of both sides and having gone through the order we find that since the applicant has been directed to be reinstated in service with all consequential benefits forthwith and respondents have been directed to implement the order within four months from the date of order the applicant is entitled to 50% of back wages which will include Basic Pay, Dearness Allowance and Military Service Pay (MSP) only for the period from 21.01.2012 till four months from the date of decision i.e. 29.04.2019. Thereafter, the applicant is entitled to full pay and allowances irrespective of the fact that he was reinstated in service or not as the order clearly states that he was to be reinstated in service forthwith.

After going through the affidavit of compliance we find that there is some discrepancy regarding payment made to the applicant by the respondents. In the affidavit of compliance it has been stated that in regard to back wages for the period from 21.01.2012 to 23.09.2020 a sum of Rs.20,23,840/- was payable to the applicant and after deducting Rs.1,92,137/-towards Income Tax and Education Cess a sum of Rs.16,55,328/- has been credited in applicant's account, however, if we add the amount credited in account and deducted, the figure will come Rs.18,47,465/- only.

Respondents are, therefore, directed to file a better affidavit of compliance after making complete compliance of the order as stated above within two months from today.

List on 18.08.2022.

Let copy of this order be given to the Ld. Counsel for the respondents/ AFT Legal Cell for compliance.

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

Ex. A. No. 26 of 2020 Inre: O.A. No. 19 of 2019

Ex. Sep. Munna Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Ashok Kumar, Ld.
	Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the
	respondents are present.
	It is submitted by Shri Asheesh Agnihotri, Ld. Counsel appearing on
	behalf of the respondents that since the matter is still under consideration, four
	weeks further time be granted to file affidavit of compliance, which is allowed.
	Respondents are directed to deposit the entire cost due against them
	by the next date fixed.
	List on 01.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

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

Lt. Col. Subhash Chandra Pandey

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
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	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion sie viee Admiral Ashay Raghanath Raive, Member (A)
	Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the
	applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.
	Shri Kaushik Chatterjee, Ld. Counsel appearing on behalf of the
	respondents, on instruction received, submits that in compliance of the order
	Government Sanction has been accorded for payment of 50% back wages for
	the period applicant was out from service. He further submitted that regular
	salary from 14 February 2022 to April, 2022 have been paid to the applicant
	vide UTR SBIN 222131176072 dated 11.05.2022. He also ensure that entire
	arrears along with interest would be credited in applicant's account by the end
	of June, 2022.
	In view of the above, respondents are directed to file affidavit of
	compliance annexing therewith statement of account including calculation
	sheet by the second week of July, 2022.
	List on 18.07.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 94 of 2021 Inre: O.A. No. 38 of 2020

Ex. Sub. (Hony. Capt.) Paramhans Yadava By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
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	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Holf ble vice Admiral Abriay Ragifuliatif Raive, Member (A)
	On the case being taken up for hearing Shri Manoj Kumar Awasthi,
	Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the
	respondents are present.
	It is submitted by the Ld. Counsel for the respondents that
	Government Sanction is still awaited, therefore, four weeks further time be
	granted to file affidavit of compliance.
	Respondents to deposit entire cost due against them by the next date
	fixed.
	List on 10.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 96 of 2021 Inre: O.A. No. 728 of 2020

Ex. Hav. (Hony. Nb. Sub.) Suraj Pal SinghBy Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Arun Kumar Sahu, Ld. Counsel for the respondents
	assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj.
	Ld. Counsel for the respondents prays for and is granted two weeks
	further time to file affidavit of compliance.
	List on 06.07.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex. A. No. 110 of 2021 Inre: O.A. No. 40 of 2021

Applicant

Rect. Brij Bhushan SinghBy Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

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	40.0F.2022
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Virat Anand Singh, Ld.
	Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the
	respondents are present.
	Vide order dated 18.04.2022 the applicant was directed to remain
	physically present in the Tribunal along with documentary proof that he has
	gone to the Centre to join the duty but was not allowed.
	It is requested by the Ld. Counsel for the applicant that the case be
	fixed on some other date so that he may inform the applicant to remain
	physically present.
	List on 23.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 03 of 2022 Inre: Ex. A. No. 234 of 2018 Inre: O.A. No. 248 of 2015

Smt. Malti Devi W/o (Late) Hav. Deo Lakhan Prasad By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
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	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion bie vice Admiral Abriay Ragnanath Raive, Member (A)
	On the case being taken up for hearing Shri Manoj Kumar Awasthi,
	Ld. Counsel for the applicant, Shri Amit Jaiswal, Ld. Counsel for the
	respondent Nos. 1 to 5 and Shri Yogesh Chandra Bhatt, Ld. Counsel for the
	respondent Nos. 6 and 7 are present.
	On the request of Ld. Counsel for the respondent Nos. 6 and 7 three
	weeks further time is granted to file affidavit of compliance annexing therewith
	statement of account of the applicant and calculation sheet of the payment
	made to the applicant as arrears.
	List on 04.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 8 of 2022 Inre: O.A. No. 129 of 2021

Ex. Nk. Pragat Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

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Registry	
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing No one appears on behalf of
	the applicant nor is there any mentioned to pass over the case.
	Ms. Amrita Chakrabotry, Ld. Counsel for the respondents assisted by
	Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj is present.
	An affidavit of compliance which has been filed by the respondents is
	taken on record.
	It is submitted by the Ld. Counsel for the respondents that in
	compliance of the order PPO has been generated and its copy has been
	forwarded to the applicant.
	Copy of PPO has been filed along with affidavit of compliance. We
	have gone through the same and we find that it is in terms of the order. Thus
	order seems to have been complied with.
	Accordingly, Execution Application is dismissed being infructuous.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 17 of 2022 Inre: O.A. No. 636 of 2020

Ex. Sep. Krishna Pal Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
- Rogion y	
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld.
	Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents
	are present.
	It is submitted by the Ld. Counsel for the respondents that claim
	documents in regard to the applicant have been submitted to the PCDA (P),
	Prayagraj on 17.03.2022, however, the same have been returned to the
	Records with some objection which is in the process of removal. Thus, he
	submitted that four weeks further time be granted to file affidavit of compliance.
	List on 12.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

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

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

Ex. A. No. 31 of 2022 Inre: O.A. NO. 256 of 2019

Ex. Nk. Ram Kumar Sah

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of Orders of the Tribunal the Registry

19.05.2022

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

Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.

Ld. Counsel for the respondents submitted that in compliance to order Government Sanction has been accorded on 18.03.2021. He further submitted that there being some discrepancy in the name of wife of the applicant which is 'Vidya Laxmi' in the death certificate and 'Vijay Laxmi in the service records applicant has been asked to submit a fresh death certificate of his wife indicating there in the name of his wife as 'Vijay Laxmi' and the same being not still done, further proceedings in the matter is held up. '

In reply, Ld. Counsel for the applicant submitted that there is no dispute regarding identity of his wife as her name is 'Vijay Laxmi' and in the PPO received in respect of first service the same name is entered as his wife. He further submitted that wife of the applicant has already died wherefore her name is not required to be mentioned in the PPO being recipient of family pension on his death. There is no hurdle in issuance of PPO and respondents are unnecessarily lingering the matter.

Upon hearing submissions of Ld. Counsel of both sides we find that in regard to discrepancy in the name of wife of applicant the same has been settled vide letter dated 22.11.2018 issued by 12 DSC Platoon to Small Arms Factory, Kanpur to the DSC Records. In the letter it is clearly stated that Smt Vidya Laxmi and Vijay Laxmi both are the name of same lady who happened to be the wife of No. 13952222A Nk Ram Kumar Sah. Since controversy in regard to the name of applicant's wife has been settled and letter in this regard has been sent to the DSC Records, the matter needs to be resolved by generating PPO in the name of the applicant instead of asking the applicant to file an amended death certificate. Respondents are, therefore, directed to ensure generation of PPO in regard to payment of pension to the applicant within a period of four weeks from today and to file affidavit of compliance.

List on 22.08.2022.

Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell to ensure compliance of the order.

(Vice Admiral Abhay Raghunath Karve) Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

Ex. A. No. 79 of 2022 Inre: Ex. A. No. 84 of 2019, ex. A. No. 181 of 2017 Inre: O.A. No. 174 of 2016

Smt. Nisha Devi W/o Late Ex. Sep. Kailash Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj. Dr. Shailendra Sharma, Ld. Counsel appearing on behalf of respondents submits that a direction be issued to the registry to reflect his name as Counsel for the respondents, after deleting the name of Dr. Gyan Singh, as he is representing the respondents in the matter. Registry is directed to delete the name of Dr. Gyan Singh and reflect the name of Dr. Shailendra Sharma Atal, Advocate as Counsel for the respondents when the case is listed next. It is submitted by the Ld. Counsel for the respondents that four weeks further time be granted to file affidavit of compliance as claim documents in regard to generation of PPO have been sent to PCDA (P), Prayagraj on 16.04.2022. Let affidavit of compliance annexing therewith copy of PPO be filed without four weeks, as prayed.
	List on 04.08.2022. (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex. A. No. 81 of 2022 Inre: O.A. No. 183 of 2018

Ex. Nk. Arun Kumar Pandey

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Shailendra Kumar Singh,
	Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the
	respondents assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (P),
	Prayagraj are present.
	It is submitted by the Ld. Counsel for the respondents that four weeks
	further time be granted to file affidavit of compliance as the matter is pending
	with Directorate PS-2, Integrated Headquarters of Ministry of Defence, New
	Delhi for Government Sanction.
	List on 25.07.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 92 of 2022 Inre: O.A. No. 417 of 2020

Ex. Sub. Maj. Sheo Govind Verma

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Affidavit of compliance filed by the respondents is taken on record.
	Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Gyan
	Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari,
	Accounts Officer, PCDA (Pension), Prayagraj.
	It is submitted by the Ld. Counsel for the respondents that four weeks
	further time be granted to file affidavit of compliance as Government Sanction
	in the matter is still awaited.
	List on 20.07.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 104 of 2022 Inre: O.A. No. 107 of 2018

Ex. Nb. Sub. Radhe Shyam

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Parijaat Belaura, Ld.
1	Counsel for the applicant, Shri Kaushik Chatterjee, 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.
	Shri Arvind Kumar Srivastava, Ld. Counsel appearing on behalf of
	respondent Nos. 5 and 6 prays for and is granted three weeks time to file
	affidavit of compliance.
	List on 27.07.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 107 of 2022 Inre: O.A. No. 11 of 2021

Ex. Hav. Arun Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri R. Chandra, Ld. Counsel
	for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are
	present.
	Ld. Counsel for the respondents states that respondents have file a
	Leave to Appeal application against decision of this Tribunal which is listed for
	hearing on 21.05.2022.
	List this matter along with Leave to Appeal on the date fixed i.e.
	21.05.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. (A) No. 500 of 2017

Vijay Misra Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Shri Dharam Raj Singh and Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. As prayed, two weeks further time is granted to file Rejoinder Affidavit. List on 08.08.2022 for final hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

By Circulation

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

R.A. No. 42 of 2022 Inre: O.A. No. 352 of 2022

Ex. Sgt. Rakesh Kumar Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India and Others

Respondents

By Legal Practitioner for Respondents

Notes of	Orders of the Tribunal
the	
Registry	

19.05.2022

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

The file has been placed before us by Circulation.

The Review Applicant has filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review and setting aside the order dated 24.03.2022 of this Tribunal passed in Original Application No. 352 of 2021 by which the Original Application has been dismissed.

The operating portion of the order reads as under:-

"In the circumstances when applicant was discharged, Release Medical Board has held that applicant has been found fit to be released in Category A4G1 with no disability detected or claimed, we find that applicant's claim for the grant of disability pension is not maintainable.

In the result, Original Application is dismissed.

Misc. Application, if any, pending for disposal, shall be treated to have been disposed of."

It is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below:-

- "1. Application for review of judgment.- (1) any person considering himself aggrieved-
 - (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,
 - (b) by a decree or order from which no appeal is allowed, or
 - (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."

In view of the principles of law laid down by the Hon'ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon'ble Supreme Court in Para 9 of its judgment in the case of *Parsion Devi and others vs. Sumitri Devi and others*, reported in (1997) 8 Supreme Court Cases 715, has observed as under:-

"9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self- evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

We have gone through the judgment and order sought to be reviewed and no illegality or irregularity or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

In the result, Review Application is rejected.

(Vice Admiral Abhay Raghunath Karve)

Member (A)

AKD/-

(Justice Umesh Chandra Srivastava)
Member (J)

O.A. No. 477 of 2021

Ex EA (P)3 Sarvesh Kumar Verma

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Rejoinder affidavit filed by the applicant is taken on record. Heard arguments of Shri Sarvesh Kumar Verma, applicant in person and Shri Amit Jaiswal, learned counsel for the respondents. Arguments could not be concluded today. List on 02.08.2022 for further hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 721 of 2021

Ex Hav (Hony Nb Sub) Amar Nath Chaubey

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld.
	Counsel for the applicant and Shri Kaushik Chatterjee, Advocate holding brief
	of Shri Namit Sharma, Ld. Counsel for the respondents are present.
	It is submitted by learned counsel for the applicant that in response to
	disability suffered by applicant, PPO has already been issued by the
	respondents; however nothing is being credited in the account towards it.
	In reply, learned counsel for the respondents submitted that 03 weeks
	further time be granted to ensure payment of disability element of pension to
	the applicant and to file affidavit of compliance in this regard, which is allowed.
	List on 01.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	rathore

O.A. No. 808 of 2021

Wg Cdr Manish Pandey (Retd)

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri V.P. Pandey and Shri R.K.
	Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld.
	Counsel for the respondents are present.
	On the request of learned counsel for the respondents a week's further
	time is granted to file counter affidavit.
	List on 26.05.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 849 of 2021

Ex Sub Amlesh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal		
the	Orders of the Tribunal		
Registry			
Registry			
	19.05.2022		
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)		
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)		
	On the case being taken up for hearing Shri KKS Bisht, Ld. Counsel for		
	the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are		
	present.		
	On request made by learned counsel for the applicant, 02 weeks further		
	time is allowed to file rejoinder affidavit as a last chance.		
	List on 08.08.2022 for hearing.		
	On the date fixed, learned counsel for the respondents shall produce		
	original documents pertaining to the case for perusal of the Bench.		
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)		

O.A. No. 872 of 2021

Ex Sep Kamal Kishore

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri
	Alok Kumar Mishra, Ld. Counsel for the respondents.
	O.A. is dismissed .
	For orders, see our judgment passed on separate sheets.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 28 of 2022

Applicant

Sgt Shailesh Kumar (Retd)By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
İ	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Raj Kumar Mishra , Ms
	Upasna Mishra and Ms. Anand Kanwar, Ld. Counsel for the applicant and Ms.
	Anju Singh, Ld. Counsel for the respondents are present.
	On request made by learned counsel for the respondents 02 weeks
	further time is allowed to file counter affidavit as a last chance.
	List on 07.07.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 33 of 2022

Ex Sub Asha Ram Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Col YR Sharma (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. On request made by learned counsel for the respondents, 02 weeks further time is allowed to file counter affidavit.
	List on 27.07.2022. (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 76 of 2022

Ex Hav (ACP Nb Sub) Girish Chandra

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri K.P. Datta, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents are present.
	Counter affidavit filed by the respondents is taken on record. O.A. is allowed .
	For orders, see our judgment passed on separate sheets.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 93 of 2022

Ex Hav Sumeshwar Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief of Shri VK Chahar, Ld. Counsel for the applicant and
	Mrs Kavita Mishra, Ld. Counsel for the respondents are present. Counter affidavit filed by the respondents is taken on record.
	O.A. is allowed .
	For orders, see our judgment passed on separate sheets.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 102 of 2022

Dfr (ADT) Pradeep Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Raj Kumar Mishra,
	Advocate holding brief of Shri Raj Kumar Mishra, Ld. Counsel for the applicant
	and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.
	Counter affidavit filed by the respondents is taken on record.
	Learned counsel for the applicant prays for and is granted two weeks
	time to file rejoinder affidavit.
	List on 12.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

Ex. A No. 51 of 2021 Inre O.A. No. 731 of 2020 alongwith O.A. No. 731 of 2020 with M.A. No. 117 of 2021 M.A. No. 443 with 2020

Maj Vinay Sharma

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Vakalatnama filed by Shri Yashpal Singh, Advocate on behalf of the applicant is taken on record. His name shall be shown in the cause list. On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present. List on 04.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 307 of 2016

Jagirman Rai Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. O.A. is partly allowed. For order, see our judgment passed on separate sheets.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 240 of 2017

Sinhasan Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Vakalatnama filed by Shri Manoj Kumar Awasthi, Advocate on behalf of
	the applicant is taken on record. His name shall be shown in the cause list.
	On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld.
	Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the
	respondents are present.
	List on 08.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 328 of 2017

Pradeep Kumar Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Ashok Singh and Shri Vikas
	Singh Chauhan, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.
	Pleadings are complete and the case is ripe for hearing. List on 11.08.2022 for final hearing.
	On the date fixed, learned counsel for the respondents shall produce
	original documents pertaining to the case for perusal of the Bench.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 688 of 2017

Anil Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing none is present on behalf of the applicant. Shri Kaushik Chatterjee, Ld. Counsel for the respondents is present. List on 12.08.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 238 of 2018

Virender Singh Applicant

By Legal Practitioner for the Applicant

Versus

Chief of Army Staff & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel
	for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents
	are present.
	List on 16.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 469 of 2018

Govind Singh Rautela

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>19.05.2022</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Ashok Kumar and Shri KKS Bisht, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.
	O.A. is dismissed .
	For orders, see our judgment passed on separate sheets.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 469 of 2019

Ex Rect Chandrabhan Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel
	for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents
	are present.
	List on 18.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 74 of 2020

Smt Dwrpadi Devi W/o Late Ex Sep Rajvir Singh

vir Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Om Prakash Kushwaha and Shri KP Datta, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.
	Rejoinder affidavit filed by learned counsel for the applicant is taken on record.
	O.A. is dismissed on merit.
	For orders, see our judgment passed on separate sheets.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No.258 of 2021

Ex JWO Manoj Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld.
	Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the
	respondents are present.
	Pleadings are complete.
	List on 22.08.2022 for hearing.
	On the date fixed, learned counsel for the respondents shall produce
	original documents pertaining to the case for perusal of the Bench.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 402 of 2021

Smt Sushma W/o Late Ex Sep Pawan Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri
	Rajiv Pandey, Ld. Counsel for the respondents.
	Counter affidavit filed by the respondents is taken on record.
	O.A. is dismissed.
	For orders, see our judgment passed on separate sheets.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

O.A. No. 445 of 2021

Ex Sub (Hony Sub Maj) Ansuya PrasadBy Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Pradeep Kumar and Shri
	Gopal Ji Khare, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld.
	Counsel for the respondents are present.
	Despite last opportunity being given vide order dated 04.04.2022,
	respondents have not filed counter affidavit within time. Therefore, opportunity
	to file counter affidavit is closed.
	List on 22.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A.(A) No. 500 of 2017

Vijai Misra Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Col AK Srivastava (Retd), Shri Dharam Raj Singh and Shri Shyam Sunder Bajpai, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present. List on 08.08.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

T.A. No. 378 of 2010

Mukesh Kumar Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief of Shri Arun Kumar, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. On the last date the respondents were directed to provide copy of dismissal order to applicant which they have not provided as yet. Let it be provided within a week failing which adverse inference will be drawn against the respondents. List on 07.07.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore

T.A. No. 1065 of 2010

RN Mishra Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Bhaskar Prasad Dubey and
	Shri Shiv Kant Pandey, Ld. Counsel for the petitioner and Dr. Shailendra
	Sharma Atal, Ld. Counsel for the respondents are present.
	No supplementary counter affidavit has been filed by the respondents.
	List on 03.08.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A.(A) No. 353 of 2019

Ex Sep (L Nk) Paras Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	19.05.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.
	We are informed that original documents are not available. List on 12.08.2022 on which date respondents shall produce original documents related to the case for perusal of the Bench.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) rathore