

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

**O.A. No. 231 of 2022**

<b>Ex. Hav. Munesh Kumar</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri R. Chandra, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents. Original Application is <b>allowed</b>. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 402 of 2022**

**Ex. Hav. (ACP – I) Rajveer Singh**  
 By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b>  <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record.            Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.            Original Application is <b>allowed</b>.            For order, see our Judgment passed on separate sheets.            Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>  <b>Member (A)</b>      <b>Member (J)</b> </p> <p>AKD/-</p>

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

**O.A. No. 703 of 2022 with M.A. No. 873 of 2022**

**Ex. Sub. Girand Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Rajiv Narayan Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 04 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 703 of 2022</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 725 of 2022 with M.A. No. 899 of 2022**

<b>Ex. Hav. Jay Beer Singh</b>	Applicant
By Legal Practitioner for the Applicant	
<b>Versus</b>	
<b>Union of India &amp; Others</b>	Respondents
By Legal Practitioner for Respondents	

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Arvind Kumar Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of disability pension.</p> <p style="text-align: justify;">There is a delay of 11 years, 11 months and 18 days in filing of Original Application.</p> <p style="text-align: justify;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 725 of 2022</u></b></p> <p style="text-align: justify;">Matter needs adjudication.</p> <p style="text-align: justify;">Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on <b>15.12.2022</b>.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <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="margin-top: 10px;">AKD/-</p>

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

**O.A. No. 730 of 2022 with M.A. No. 904 of 2022**

<b>Sgt. Vindhyachal (Retd.)</b> By Legal Practitioner for the Applicant	<b>Versus</b>	Applicant
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents		Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Dr. Abhay Kant Upadhyay, Shri Neel Kant Upadhyay and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of disability pension.</p> <p style="text-align: justify;">There is a delay of 04 years, 01 month and 17 days in filing of Original Application.</p> <p style="text-align: justify;">Ld. Counsel for the applicant submits that disability pension cannot be denied on the ground of delay. He further submits that delay in filing of Original Application is not deliberate.</p> <p style="text-align: justify;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 730 of 2022</u></b></p> <p style="text-align: justify;">Matter needs adjudication. Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: justify;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p style="text-align: left;">AKD/-</p>

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**E-Court**

**O.A. No. 731 of 2022**

**JWO Mukesh Kumar Singh Bisht (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-indent: 40px;">Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-indent: 40px;">Heard Shri Bipin Kumar Sharma, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-indent: 40px;">This Original Application has been filed for the grant of disability pension for the applicant.</p> <p style="text-indent: 40px;">It is submitted that applicant has been discharged from service in low medical category and his claim for the grant of disability pension has been denied on the ground that disability is not attributable to military service. It is further submitted that disability has been caused during the course of service which is attributable to military service.</p> <p style="text-indent: 40px;">Case needs adjudication.</p> <p style="text-indent: 40px;">Admit.</p> <p style="text-indent: 40px;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-indent: 40px;">List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p style="text-indent: 40px;">List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align:center"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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**E-Court**

**O.A. No. 732 of 2022 with M.A. No. 905 of 2022**

**Ex. Hav. Ram Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri G.S. Sikarwar, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 03 months and 06 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 732 of 2022</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>





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**E-Court**

**O.A. No. 734 of 2022 with M.A. No. 907 of 2022**

**Ex. Hav. Pramod Kumar Teotia**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 01 year and 19 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 734 of 2022</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align:center"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
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**E-Court**

**O.A. No. 735 of 2022 with M.A. No. 908 of 2022**

**Ex. Sep/ASH Munna Rai**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><b><u>M.A. No. 908 of 2022</u></b></p> <p>This application has been filed for the condonation of delay. The applicant has been discharged from service in Shape – I medical category with effect from 30.11.2007. Thus, there is a delay of more than 14 years for which application for condonation of delay has been filed.</p> <p>Ld. Counsel for the respondents wishes to file objection.</p> <p>Let objection be filed within two weeks.</p> <p>List on <b>20.10.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 736 of 2022 with M.A. No. 909 of 2022**

**Ex. Sgt. Ajeet Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Hard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 03 months and 07 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 736 of 2022</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**O.A. No. 737 of 2022 with M.A. No. 910 of 2022**

**Ex. CPO H.S. Munder Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by 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.</p> <p>Heard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 03 months and 07 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 737 of 2022</u></b></p> <p>Matter needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
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**E-Court**

**O.A. No. 738 of 2022 with M.A. No. 911 of 2022**

**Ex. Nk. Siri Ram**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of service pension.</p> <p>There is a delay of 51 years, 06 months and 18 days in filing of Original Application regarding which an application for condonation of delay has been filed.</p> <p>Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate. His further submission is that the applicant was in a financial hardship since the service was cut short and liability of his entire family was on him. The applicant was not aware about the Pension Regulations as the Regulations are not available in open market. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 51 years has not been properly and satisfactorily explained.</p> <p>Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay in filing Original Application is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.</p> <p>In the result, we find that delay is not condonable.</p> <p>Accordingly, delay condonation application is <b>dismissed</b>.</p> <p>Original Application being time barred is also <b>dismissed</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**O.A. No. 739 of 2022 with M.A. No. 912 of 2022**

**Ex. Sgt. Ajeet Kumar** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of notional increment.</p> <p><b><u>M.A. No. 912 of 2022</u></b></p> <p>This application has been filed for condonation of delay of 03 months and 07 days in filing of Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that pension benefits cannot be denied on the ground of delay. Delay, if any, in filing of Original Application is not deliberate.</p> <p>Considering the facts averred in affidavit we find that cause shown is sufficient. Accordingly, delay is <b>condoned</b>. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 739 of 2022</u></b></p> <p>Matter needs adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings. List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 740 of 2022**

**Ex. LCK (S) Ghanshyam Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the applicant submits that applicant was discharged in low medical category for which is he is being paid disability element along with service pension. After discharge the disability has increased and needs to be reassessed which may be done by holding Re-Survey Medical Board.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 741 of 2022 with M.A. No. 917 of 2022**

**Smt. Noor Saba Widow Late Ex. Nk. Syed Moharram Ali** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Ms. Amrita Chakraborty, 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.</p> <p>Heard Shri R. Chanra and Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p><b><u>M.A. No. 917 of 2022</u></b></p> <p>This application has been filed for condonation of delay of 09 years, 06 months and 17 days in filing of Original Application.</p> <p>Ld. Counsel for the applicant submits that applicant's claim for the grant of family pension can not be denied on the ground of delay as it is a recurring cause of action.</p> <p>Cause shown is sufficient. Delay is <b>condoned</b>. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 741 of 2022</u></b></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>



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

**O.A. No. 745 of 2022**

**Sgt. Singh Devesh Ramprakash (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Bipin Kumar Sharma, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of notional increment.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>                                      <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 746 of 2022**

**Ex. JWO Anand Raj**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Heard Shri Bipin Kumar Sharma, Shri Kapil Sharma and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed for the grant of notional increment.</p> <p style="text-align: center;">Case needs adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: center;">List the matter before Registrar on <b>10.11.2022</b> for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 90 of 2022 Inre : O.A. No. 393 of 2020**

**Ex. MACP Hav. Tejpal Singh Chand**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>Ld. Counsel for the respondents submits that since the order has been complied with, Execution Application be dismissed being infructuous.</p> <p>During the course of hearing, Ld. Counsel for the applicant admitted the compliance of the order and submitted that he has no objection if Execution Application is dismissed being infructuous.</p> <p>Accordingly, Execution Application is <b>dismissed</b> being infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 293 of 2022 Inre : O.A. No. 858 of 2021**

**Ex. Hav. (Hony. Nb. Sub.) Narendra Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 25.03.2022 of this Tribunal in Original Application No. 858 of 2021. Vide order dated 25.03.2022, the respondents have been directed to grant disability element of disability pension to the applicant @20% for life to be rounded off to 50% for life with effect from three years preceding the date of filing of Original Application. The order was to be complied with within a period of four months from the date of receipt of certified copy of the order. The order has not been complied yet.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p>List on <b>21.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 295 of 2022 Inre : Ex. A. No. 20 of 2022 & Inre : O.A. No. 239 of 2018**

**Ex. Gdr. Sant Lal Sharma**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Ms. Deepti Prasad Bajpai, Advocate on behalf of the respondent Nos. 1 to 4 is taken on record. His name be shown as Counsel for the respondent Nos. 1 to 4 when the case is listed next.</p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondent Nos. 1 to 4 are present.</p> <p>This application has been filed for implementation of order dated 03.06.2021 of this Tribunal in Original Application No. 239 of 2018.</p> <p>Ld. Counsel for the applicant submits that PPO in the case has been issued on 27.02.2022, however, no payment has been received by the applicant till date.</p> <p>Issue notice to respondent Nos. 5 and 6 returnable within four weeks. Steps for notice be taken within a week.</p> <p>List on <b>07.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 296 of 2022 Inre : O.A. No. 682 of 2021**

<b>Ex. HFO Man Bahadur Singh</b> By Legal Practitioner for the Applicant	<b>Versus</b>	Applicant
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Shri D.K. Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">This application has been filed for implementation of order dated 25.04.2022 of this Tribunal in Original Application No. 682 of 2021.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p style="text-align: center;">List on <b>21.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p style="text-align: left;">AKD/-</p>

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

**Ex. A. No. 297 of 2022 Inre : O.A. No. 879 of 2021**

**Ex. L/Nk. Govind Pethe** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Ms. Appoli Srivastava, 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.</p> <p>On the case being taken up for hearing Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 24.03.2022 of this Tribunal in Original Application No. 879 of 2021.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p>List on <b>22.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 298 of 2022 Inre : O.A. No. 518 of 2021**

**Ex. Gnr. Pramod Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Arvind Kumar Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 02.12.2021 of this Tribunal in Original Application No. 518 of 2021.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p>List on <b>14.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>



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

**M.A. No. 897 of 2022 with M.A. No. 898 of 2022 Inre : O.A. NO. 286 of 2021**

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

Applicants

**Versus**

**Ex. Sub. (Hony. Capt.) Yatindra Kumar Singh**  
By Legal Practitioner for Respondent

Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Shyam Singh, Ld. Counsel for the applicants – Union of India &amp; Others.</p> <p style="text-align: center;">For the facts averred in affidavit filed in support of delay condonation application, delay of 03 months and 09 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off.</p> <p style="text-align: center;">This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is <b>dismissed</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

**M.A. No. 913 of 2022 with M.A. No. 914 of 2022 Inre : O.A. No. 45 of 2016**

**Ex. Sep. Yogesh Giri**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<p><b>Orders of the Tribunal</b></p>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p><b><u>M.A. No. 913 of 2022 with M.A. No. 914 of 2022</u></b></p> <p>Memo of Appearance filed by Ms. Appoli Srivastava, 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.</p> <p>Heard Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>This application has been filed to condone the delay of 106 days in filing of recall application.</p> <p>It is pleaded that Original Application was fixed for hearing on 05.10.2021, on which date the Counsel for the applicant could not appear during virtual hearing due to disturbed internet service and loss of connectivity.</p> <p>As per office note, the delay the delay in filing the Original Application is 98 days.</p> <p>Ld. Counsel for the respondents submits that delay in filing the recall application is not 106 days or 98 days, it is more than a year, as Original Application has been dismissed on 05.10.2021. She further submits that delay condonation application is dated 11.11.2021 supported with affidavit of the same date, whereas recall application is dated 25.03.2022. Thus, there is apparent anomaly as delay condonation application has been filed prior to the recall application.</p> <p>Ld. Counsel for the applicant is not present today to explain the above anomaly.</p> <p>List on <b>01.11.2022</b> on which date the Ld. Counsel for the applicant will explain as to how delay condonation application has been filed prior to filing of recall application and why the application be not dismissed on this reason.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                              <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**M.A. No. 915 of 2022 with M.A. No. 916 of 2022 Inre : M.A. No. 1847 of 2017**  
**Inre : O.A. No. (Nil) of 2017**

**Sep. (Cook) Prahlad Ram Meena**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p><b><u>M.A. No. 915 of 2022 with M.A. No. 916 of 2022</u></b></p> <p>Memo of Appearance filed by Ms. Appoli Srivastava, 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.</p> <p>Heard Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>This application has been filed to condone the delay of 48 days in filing of recall application.</p> <p>It is pleaded that Original Application was fixed for hearing on 24.11.2020, on which date the Counsel for the applicant could not appear during virtual hearing due to disturbed internet service and loss of connectivity.</p> <p>As per office note, the delay in filing the Original Application is 188 days.</p> <p>Ld. Counsel for the respondents submits that delay in filing the recall application is not 48 days or 188 days, but it is more than a year, as Original Application has been dismissed on 24.11.2020.</p> <p>Ld. Counsel for the applicant is not present today to make his submission.</p> <p>List on <b>01.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 91 of 2021 Inre : O.A. No. 628 of 2020**

**Smt. Asha Devi M/o Late Ex. Sigm. Kapil Kumar & Another** Applicants  
By Legal Practitioner for the Applicants

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Pushendra Kumar Dhaka and Shri Rama Kant, Ld. Counsel for the applicant and Shri Pushendra Mishra, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that Government Sanction is still awaited.</p> <p>Affidavit of compliance be filed within four weeks failing which respondents will pay Rs.10,000/- as cost to the applicant.</p> <p>List on <b>14.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 16 of 2022 Inre : O.A. No. 174 of 2015**

**Ex. Nk. Jageshwar Singh**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Officer In Charge The Records Signals & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>19.09.2022</b></u> <u><b>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent Nos. 1 to 3 and Shri D.C. Lohumi, Ld. Counsel for the respondent No. 4 are present.</p> <p>Compliance report filed by the respondent No. 4 annexing therewith a calculation sheet is taken on record</p> <p>Copy of compliance report has been served to the Ld. Counsel for the applicant. He seeks and is allowed two weeks time to file objection, if any.</p> <p>List on <b>07.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 123 of 2022 Inre : O.A. No. 179 of 2020**

**Hav. Rajesh Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yahspal Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents, three weeks further time is granted to file affidavit of compliance.</p> <p>List on <b>21.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 126 of 2022 Inre : O.A. No. 198 of 2021**

**Ex. Hav. Suresh Chandra**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>19.09.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Major Sini Thomas, Departmental Representative for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Major Sini Thomas, Departmental Representative for the respondents states that in compliance of order PPO has been issued on 30.06.2022 and payment has also been credited in applicant's account.</p> <p>Affidavit of compliance be filed within two weeks.</p> <p>List on <b>14.10.202</b> on which date Ld. Counsel for the applicant will also confirm about the payment.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 122 of 2022**

**HFO Mohan Pal (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><b><u>19.09.2022</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Raj Kumar Mishra, Shri Madan Pal Vats and Dr. Abhay Kant Upadhyay, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For order, see our Judgment passed on separate sheets.</p> <p style="text-align: center;">Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <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. 337 of 2022**

**Ex JWO Santosh Sharma**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Counter affidavit filed by the respondents is taken on record. Heard Shri R. Chandra, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents. Original Application is <b>disposed off</b>. For order, see our judgment passed on separate sheets. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed off.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)                                      Member (J)</p> <p>SB</p>

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

**Ex. No Applicant 139 of 2022 Inre O.A. No 663 of 2021**

**Ex Sep Rajveer Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that Re-survey Medical Board of the applicant has been completed but its report is still awaited. He prays for and is granted three weeks further time to file affidavit of compliance.</p> <p>List on <b>18.10.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>UKT/-</p>

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

**Ex. A 208 of 2022 Inre O.A. 464 of 2021**

**Ex. Nk Desh Raj Singh** Applicant  
By Legal Practitioner for the Applicant  
**Versus**  
**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Pushendra Mishra, Ld. Counsel for the respondents are present.</p> <p>On the request of learned counsel for the respondents, three weeks further time is granted to file affidavit of compliance.</p> <p>List on <b>01.11.2022</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> <span style="float: right;"><b>(Justice Umesh Chandra Srivastava)</b></span> Member (A) <span style="float: right;">Member (J)</span></p> <p>UKT/-</p>



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

**Ex.A. No. 250 of 2022 Inre O.A. No. 398 of 2022**

**Ex. LSTD Guptesh Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri D.K.Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align:center">It is submitted by learned counsel for the respondents that Govt sanction regarding payment of interest of arrears is still awaited.</p> <p style="text-align:center">In view of above, three weeks further time is granted to file affidavit of compliance.</p> <p style="text-align:center">List on <b>16.11.2022</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 120 of 2020**

**Smt. Anita Singh w/o Late Ex. Nk Indrajeet Singh & Others**      Applicants  
By Legal Practitioner for the Applicants

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicants and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>Supplementary counter affidavit has been filed by the respondents, which is taken on record.</p> <p>List on <b>14.11.2022</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

O.A. No.611 of 2021

**Ex. Sub Sushil Kumar Dash**  
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><b>19.09.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>Compliance report filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted a weeks' time to file reply. List after two weeks.</p> <p>List on <b>21.10.2022</b>.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(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**  
**Court No.1**

**O.A. No. 653 of 2021**

**Smt Muniyan Dwivedi & Others**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Amar Deep Sharma and Shri Santosh Kumar Gupta, Ld. Counsel for the applicants and Shri Jai Narayan Mishra, Ld. Counsel for the respondents.</p> <p>The instant Original Application has been filed by the applicants for setting aside Notice of termination of employment dated 19.07.2021 issued by President Air Force Wives Welfare Association (AFWWA) ITI Air Force Station Kanpur.</p> <p>Learned Counsel for the respondents has raised a preliminary objection and has submitted that the applicants are neither enrolled nor attested as such they are not subject to the provisions of the Army Act, 1950, the Navy Act, 1957 and Air Force Act, 1950 hence, instant Original Application is not maintainable in this Tribunal and it is liable to be dismissed on this very ground.</p> <p>His further submission is that in the instant Original Application the applicants have raised their grievances that they have served in AFWWA ITI Air Force Station, Kanpur for about 15 years and this Institute was governed by the Indian Air Force, hence this case be decided by the Armed Forces Tribunal is not correct. The applicants are civilian employee and they cannot be termed as complainant for the adjudication regarding service as they are not subject to Air Force Act, 1950. He pleaded for dismissal of the Original Application being not maintainable.</p> <p>In reply to above, Ld. Counsel for the applicants submitted that services of the applicants in pursuance of notification dated 19.07.2021, issued by President AFWWA ITI, Air Force Station, Kanpur have been terminated. AFWWA ITI, Air Force Station, Kanpur is controlled by Indian Air Force, hence they are governed by rules and regulations of Air Force and this Tribunal is empowered to decide their case. He pleaded that since the applicants were</p>



working in AFWWA ITI, controlled by Indian Air Force, they may be treated as subject to Air Force Act, 1950.

Heard Ld. Counsel of both sides and perused the record.

Section 2 of the Armed Forces Tribunal Act, 2007, enumerates the persons, to whom the provisions of the said Act are applicable. It may be reproduced as follows :-

*“2. Applicability of the Act.- (1) The provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).*

*(2) This Act shall also apply to retired personnel subject to the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters”.*

Section 14 of the Armed Forces Tribunal Act, 2007, in so far as it is relevant for the instant case, is reproduced as under :-

*“14. Jurisdiction, powers and authority in service matters .- (1) Save as otherwise expressly provided in this Act, the Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority, exercisable immediately before that day by all courts (except the Supreme Court or a High Court exercising jurisdiction under article 226 and 227 of the Constitution) in relation to all service matters.*

*(2) Subject to the other provisions of this Act, a person aggrieved by an order pertaining to any service matter may make an application to the Tribunal in such form and accompanied by such documents or other evidence and on payment of such fee as may be prescribed.*

*(3) On receipt of an application relating to service matters, the Tribunal shall, if satisfied after due inquiry, as it may deem necessary, that it is fit for adjudication by it, admit such application; but where the Tribunal is not so satisfied, it may dismiss the application after recording its reasons in writing.*

*(4).....*

*(5) The Tribunal shall decide both questions of law and facts that may be raised before it.”*

The “service matters” as defined in Section 3(o) of the Armed Forces Tribunal Act, 2007, in so far as it is relevant for the instant case, is reproduced as under :-

*“3(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include –*

*(i) remuneration (including allowances), pension and other retirement benefits;*

*(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature*

*retirement, superannuation, termination of service and penal deductions;*  
*(iii) summary disposal and trials where the punishment of dismissal is awarded;*

*(iv) Any other matter, whatsoever,*

*but shall not include matters relating to - .....*”

Section 2 of the Air Force Act, 1950 enumerates the persons, to whom the provisions of the said Act are applicable. It may be reproduced as follows:

**“2. Persons subject to this Act.-** *The following persons shall be subject to this Act wherever they may be, namely:-*

*(a) officers and warrant officers of the Air Force;*

*(b) persons enrolled under this Act;*

*(c) persons belonging to the Regular Air Force Reserve or the Air Defence Reserve or the Auxiliary Air Force, in the circumstances specified in section 26 of the Reserve and Auxiliary Air Forces Act, 1952 (62 of 1952);]*

*(d) persons not otherwise subject to air force law, who, on active service, in camp, on the march, or at any frontier post specified by the Central Government by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of the Air Force.*

**3. Termination of application of the Act-** *Every person subject to this Act under clauses (a) to (g) of sub-section (1) shall remain so subject until duly retired, discharged, released, removed, dismissed or cashiered from the service.”*

A person aggrieved by an order pertaining to any service matter, may make an application to the Tribunal in view of Section 14(2) of the Armed Forces Tribunal Act, 2007. It clearly shows that the Original Application cannot be moved in the Armed Forces Tribunal, unless, the concerned person is aggrieved by an order pertaining to any service matter. The service matter has been defined in Section 3 (o) of the said Act. A bare perusal of the definition of “service matters” indicates that the concerned person must be subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, as the case may be. Section 2 of the Air Force Act, 1950, as referred to above, provides about the persons, who are subject to the provisions of the Air Force Act, 1950. It has not been disputed by learned Counsel for the applicants that the applicants have not been enrolled under the provisions of the Air Force Act, 1950. Learned Counsel for the applicants has not been able to show us that the cases of the applicants come within the purview of any of the clauses of section 2 of the Air Force Act, 1950. Thus, it is clear that the applicants are not subject to the provisions of the Air Force Act, 1950.

In the instant case, impugned order has been passed by President of AFWWA i.e. a Society Registered under Societies Registration Act, 1860 which is not subject of any of the three Acts i.e. the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950. Since the applicants are not subject to the provisions of the Air Force Act, 1950, they are not entitled to file Original Application under Section 14 of The Armed Forces Tribunal Act, 2007, in the Armed Forces Tribunal, because, they are not aggrieved by any order pertaining to any service matter. The service matters, as defined above, clearly indicates that it is a condition precedent that the concerned person must be subject to the Air Force Act, 1950, the Navy Act, 1957 or the Army Act, 1950, as the case may be. If the aggrieved persons are not subject to the provisions of any of the said Acts, they cannot be said to be aggrieved by any order pertaining to any service matter.

In view of the aforesaid discussion, we are of the considered view that the applicants are not subject to the provisions of the Air Force Act, 1950, and hence, the instant Original Application for adjudication of controversy involved in the present matter, is not maintainable and cannot be admitted for hearing, and it deserves to be dismissed at the admission stage itself. The objection raised by the Registry, with regard to lack of jurisdiction of this Tribunal, is perfectly valid.

Accordingly, the Original Application No. 653 of 2021, is **dismissed**.

It is made clear that we have not entered into the merits of the case.

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

**O.A. No. 717 of 2021**

**Ex. Hav. (Hony Nb Sub) Munishwar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p>Submission of learned counsel for the applicant is that applicant has not been paid arrears of service pension from 01.01.2006 to 30.06.2014 as per Circular No. 631 of PCDA (P) Allahabad and interest thereon.</p> <p>Learned counsel for the respondents submitted that applicant is already in receipt of arrears of pension for the period from 01.01.2006 to 30.06.2014 amounting to Rs. 1,81,014/- on 12.08.2017 and in view of Circular No. 631, an amount of Rs. 83,184/- has also been credited in applicant's account on 23.03.2022. Hence, entire arrears of service pension have already been paid to the applicant and nothing more is due to him.</p> <p>During the course of hearing, learned counsel for the applicant also accepted receipt of arrears of service pension by the applicant.</p> <p>Since entire arrears have been paid to the applicant as per Circulars issued from time to time by the Department, no interest on the arrears of service pension is liable to be paid to the applicant by the respondents.</p> <p>In view of aforesaid discussion/observation, Original Application is <b>disposed off</b> finally.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

Form No. 4

{See rule 11(1)}  
ORDER SHEET

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

O.A. No. 875 of 2021

**Ex. Sub Maj (Hony Capt) Sanjay 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><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is granted three weeks further time to file counter affidavit.</p> <p>List on <b>07.11.2022</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 33 of 2022**

**Ex. Sub Asha Ram**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>Shri RK Gupta, Advocate submits that he will file Vakalatnama on behalf of the applicant within two weeks.</p> <p>In the meantime, learned counsel for the respondents may file counter affidavit.</p> <p>List on <b>01.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 113 of 2022**

**Hav Clk /SD Brijesh Kumar Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Col. A.K. Srivastava (Retd), Shri Amarendu Srivastava and Ms. Hemlata, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>sent.</p> <p>Three weeks further time is granted to learned counsel for the respondents to file counter affidavit.</p> <p>List on <b>10.11.2022.</b></p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>





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

O.A. No. 146 of 2022

**Devi Bhukker (through his wife Smt. Savita)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>No reply has been filed by the respondents against Original Application as well as interim relief.</p> <p>Learned counsel for the respondents submits that a weeks' further time be granted to file the same which is allowed. It is advised that if the counter affidavit/ reply is not filed within time given, the opportunity of filing the same will be closed and the case will be heard on the basis of material placed on record.</p> <p style="text-align: center;">List on <b>07.10.2022</b>.</p> <p style="display: flex; justify-content: space-around;"><span><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</span> <span><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>UKT/-</p>



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

**O.A. No. 184 of 2022**

**Ex. L/NK Atma Ram Mishra**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>List on <b>21.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>UKT/-</p>

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

**O.A. No. 201 of 2022**

**Hony Nb Sub Madan Pal Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p>On the request of learned counsel for the respondents a weeks' further time is granted to file counter affidavit.</p> <p>List on <b>10.11.2022</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 221 of 2022**

**Ex. Nk (TS) Krishna Bahadur Chetri**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chnadra, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present.</p> <p>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.</p> <p>List on <b>25.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>UKT/-</p>

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

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

O.A. No. 238 of 2022

**Ex. Hav. Gopesh Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri K.P.Datta, Ld. Counsel for the applicant and Dr. Shailendra Sharama Atal, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>List on <b>20.09.2022</b>.</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>UKT/-</p>

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

**O.A. No. 242 of 2022 with M.A. No. 753 of 2022**

**Smt. Chandmuni Devi M/o Late Ex. Sep Sentu Kumar Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><u><b>19.09.2022</b></u> <u><b>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p><u><b>M.A. No. 753 of 2022</b></u></p> <p>By means of this amendment application, the applicant wants necessary deletion in particulars of applicant and verification of Memo of Original Application.</p> <p>Amendment is formal in nature, hence allowed.</p> <p>Let amendment be incorporated during the course of the day.</p> <p><u><b>O.A. No. 242 of 2022</b></u></p> <p>Counter affidavit on behalf of Respondent No 3 has already been filed. Counter affidavit has been filed today on behalf of Respondents No 1, 2, 4 and 6 which is taken on record.</p> <p>Rejoinder affidavit filed by learned counsel for the applicant on behalf of respondents No 1, 2, 4, 5 and 6 is taken on record.</p> <p>Vakalatnama and counter affidavit on behalf of Respondent No 7 has been filed by Shri Manoj Kumar Awasthi, Advocate which is taken on record.</p> <p>Pleadings between parties have been exchanged.</p> <p>List on <b>14.11.2022</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>UKT/-</p>





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

**O.A. No. 305 of 2022**

**Ex. Sgt. A.K. 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><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Rang Nath Pandey and Shri Rahul Pandey, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This application has been filed for directing respondents to fix basic pension of the applicant @ Rs. 27,850/- per month on the basis of last basic pay drawn by him.</p> <p style="text-align: center;">Learned counsel for the respondents submits that grievance raised in the application for fixing basic pension of the applicant @ 27,850/- has been conceded by the respondents and PPO has also been issued as per which pension is being paid.</p> <p style="text-align: center;">During the course of hearing, learned counsel for the applicant fairly admitted that applicant's grievance has been redressed and PPO has been issued fixing basic pension @ Rs. 27,850/- per month..</p> <p style="text-align: center;">In view of the fact that grievance raised in the application has been redressed during pendency of the application and PPO has been issued, the applicant has rendered infructuous.</p> <p style="text-align: center;">Accordingly, O.A. is <b>dismissed</b> being infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)                      <b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 335 of 2022**

**Lt. Col. Nidhikant Dhyani (Retd)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>No counter affidavit has been filed by the respondents.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit.</p> <p>List on <b>07.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>

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

**O.A. No. 629 of 2022**

**Sep Jatinder Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Pawan Bisht and Ms. Priyanka Chaudhary, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>This application has been filed by the applicant for restoration of his original seniority from the date of joining Army and to grant promotion to the applicant from the rank of Sepoy to appropriate rank as per promotion policy. Learned counsel for the applicant submits that applicant is entitled promotion from the date of joining Army. The case needs adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by the applicant within two weeks, thereafter.</p> <p>List on <b>10.11.2022</b> before Registrar Court for exchange of pleadings.</p> <p>List before this Court on <b>15.12.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>UKT/-</p>

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

**T.A. No. 92 of 2016**

**Alopi Shankar Bajpae**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**The Commandant Rajput Regimental Centre,  
Fatehgarh & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri D.K Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on <b>16.11.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>UKT/-</p>

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

**T.A. No. 284 of 2010**

**Umesh Kumar Chourasia**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri G.S. Sikarwar, Ld. Counsel for the respondents is present.</p> <p>On call of the case Shri Raj Kumar Mishra appears and submits that he will appear in this case on behalf of applicant and he will file Vakalatnama by the next date fixed.</p> <p>Let Vakalatnama be filed within two weeks and matter be listed for physical hearing.</p> <p>List on <b>01.11.2022</b> for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Court.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>UKT/-</p>

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

**O.A(A) No. 292 of 2016**

**Shaik Shabber**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri G.K. Gaur, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on <b>02.11.2022</b> for physical hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Court.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>UKT/-</p>







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

**O.A. No. 245 of 2018 with M.A. No. 199 of 2022**

**Dharmendra Singh Tomar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>19.09.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri R.Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><b><u>M.A. No. 199 of 2022</u></b></p> <p style="text-align: center;">This amendment application has been filed by the applicant seeking amendment in relief clause of the O.A. Applicant wants to add one more relief regarding setting aside dismissal order dated 26.07.2018 alongwith all consequential benefits.</p> <p style="text-align: center;">It is submitted by learned counsel for the applicant that applicant has filed the O.A. seeking directions to the respondents to join duty. Applicant came to know about his dismissal order during pendency of application after the filing of rejoinder affidavit. In counter affidavit filed in August 2018, nothing has been said about the dismissal order dated 26.07.2018 nor the copy of the order has been filed. He further submitted that copy of dismissal order has not been served to the applicant till date, hence he could not challenge the same when O.A. was filed.</p> <p style="text-align: center;">On the other hand, learned counsel for the respondents submitted that applicant was aware about dismissal order dated 26.07.2018 when he filed the O.A., but he did not challenge the same in the O.A. Applicant has wrongly alleged that dismissal order has not been served to him. He further submitted that amendment sought in the O.A. is barred by time as applicant has been silent for about more than four years.</p> <p style="text-align: center;">He further submitted that amendment sought by the applicant if allowed will change the nature of the application. In para 8 of the counter affidavit dated 08.10.2018, the matter of dismissal is mentioned.</p> <p style="text-align: center;">Upon hearing submissions of learned counsel both the parties and considering the facts and circumstances of the case, we are of the view that it</p>

is settled in law that amendment application cannot be disallowed on the ground of delay unless barred in law. There is nothing to suggest that proposed amend is barred in law nor, if allowed, would change the nature of the O.A. Rather it may be helpful in avoiding multiplicity of proceedings between the parties. Hence amendment application is **allowed**.

Let amendment be incorporated and copy of amended O.A. be served to the respondents within a week. Respondents will have three weeks time to file supplementary counter affidavit to the amended portion of the O.A. next thereafter.

List on **16.11.2022**.

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

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

UKT/-