Ex. A. No. 46 of 2021 Inre: O.A. No. 264 of 2019

Ex. Nk. Raghuraj Singh

Applicant

By Legal Practitioner for the Applicant

**Versus** 

**Union of India & Others** 

Respondents

By Legal Practitioner for Respondents

	Orders of the Tribunal
the	
Registry	

#### 21.09.2022

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

Case is taken up today through Video Conferencing.

Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj.

Lt. Col. Sanjay Singh, Records Officer, Brigade of the Guards is also present through Video Conferencing. He has filed affidavit stating that case file of the applicant was processed to the competent authority for obtaining Government Sanction for the implementation of the order passed by this Tribunal in Original Application and in pursuance thereto Principal Controller of Defence Accounts (Pension), Prayagraj has advised that since applicant was discharged from service in low medical category and discharge order was later set aside and he was notionally reinstated in service and thereafter notionally discharged and paid back wages for the period of notional reinstatement, disability element of disability pension, based on Release Medical Board (RMB) held at the time discharge, cannot be granted to him, a fresh RMB is required for the grant of disability element.

It is settled in law that once any order is passed or any direction is issued by a competent Court or Tribunal, in any suit or proceedings, the authority concerned are left with only two options. They can either implement the order or seek variance/review of the order by way of Appeal/Review/Revision, as the case may be. They have no option to deny implementation of the order, based on advice/opinion.

In the facts of the case it is established that applicant was initially discharged from service on 31.05.2004 in low medical category for which in addition to service pension disability element @50% from the date of discharge was granted to him. Apprehending his discharge order illegal, he had filed Original Application No. 32 of 2012 in the Tribunal which was allowed on

21.12.2105 directing the respondents to reinstate him in service in the rank of Naik for pensionary benefits only. Pursuant to that order, he was notionally reinstated in service with effect from 01.06.2004 and was notionally discharged on 31.12.2009. Disability element, which was earlier being paid to the applicant was stopped with effect from 01.01.2016 and recovery was put in motion against which he filed another Original Application being Original Application No.122 of 2017 which was allowed on 20.08.2018 directing stoppage of recovery with further direction to refund the recovery, if any. It was also directed that any payment made during the period from 01.06.2004 t 31.12.2009 towards disability element may be treated as back wages. Liberty was also given to applicant to file Original Application for the grant of disability element. As a result of which he filed Original Application No. 264 of 2019 which was disposed off on 05.04.2021 clarifying that in addition to service pension applicant is entitled to disability element @50% from the next date of his notional discharge i.e. 01.01.2010. It was also directed in the order that since applicant was in receipt of service pension and already granted disability element duly rounded off for the period from 01.06.2004 to 31.12.2015, he is entitled to rounded off disability element @50% with effect from 01.01.2016. Respondents were further directed not to recover amount already paid.

It is surprising that there being clarity in the order respondents are not implementing the same on the premise that disability element of disability pension to the applicant from the date of reinstatement cannot be granted to him based on RMB held at the time of initial discharge i.e. 31.05.2004, more so, when disability is for life. The reason assigned for not implementing the order is absolutely unwarranted, no fresh RMB is required for the grant of disability element. Since respondents have adopted unrealistic approach for not implementing the order, suitable action is required to be taken in the matter.

We are told by the AFT Legal Cell that Chief Record Officer, Brigade of The Guards, Kamptee is responsible for non compliance of the order. Registry is directed to issue notice to him to appear in person on the next date fixed and file personal affidavit why contempt proceedings be not initiated against him.

List on **22.11.2022**.

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

Copy of order be sent to Chief of the Army Staff for his information and necessary action.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)

Member (A) Member (J)

O.A. No. 435 of 2022

Cfn. Anand Kumar Pandey (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Counter Affidavit filed by the respondents is taken on record.	
	Heard Shri J.L. Joel, Ld. Counsel for the applicant and Shri Shyam	
	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.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	
	AKD/-	

#### O.A. No. 829 of 2021

Ex. Sgt. Kumar Rajiv Ranjan

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal	
	21.09.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and	
	Shri Ashish Kumar Singh, Ld. Counsel for the respondents.	
	Original Application is <b>dismissed</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.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	

Ex. A. No. 56 of 2018 Inre: O.A. No. 303 of 2016

**Suman Mehrotra Sister of Late Rajiv Tondon** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel
	for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	It is submitted by the Ld. Counsel for the applicant that applicant
	being out of India the copy of updated pass book of pension account of the
	deceased applicant cannot be filed. He further submitted that a short date be
	given to him to apprise the Tribunal regarding present applicant being legal heir
	and dependent of the deceased applicant and to file copy of the updated pass
	book.
	Copy of updated pass book may be filed within three weeks.
	List on 01.11.2022 on which date the applicant will apprise how she is
	competent to prosecute the application being legal heir of the deceased
	applicant.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

Ex. A. No. 80 of 2018 Inre: R.A. No. 17 of 2011 Inre: T.A. No. 288 of 2010

Smt. Darko Devi W/o Late Ex. Hav. Chhote Lal

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the Registry	
J ,	24.00.2022
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri R.C.
	Shukla, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari,
	Accounts Officer, Principal Controller of Defence Accounts (Pension),
	Prayagraj.
	Ld. Counsel for the respondents submits that since the order has
	been fully complied with, Execution Application may be dismissed being
	infructuous.
	Ld. Counsel for the applicant has no objection.
	Accordingly, Execution Application is <b>dismissed</b> being infructuous.
	Respondents are directed to ensure the payment as per PPO.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

Ex. A. No. 19 of 2019 Inre: T.A. No. 34 of 2010

Applicant

**Ex. Sep. Vinay Kumar**By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the Registry	
regiony	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Sachindra Pratap Singh
	and Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Asheesh
	Agnihotri, Ld. Counsel for the respondents are present.
	Supplementary Affidavit of Compliance filed by the respondents is
	taken on record.
	Respondents to serve copy of Supplementary Affidavit of Compliance
	to the Ld. Counsel for the applicant by today.
	List on <b>19.10.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

Ex. A. No. 33 of 2019 Inre: T.A. No. 92 of 2011

Applicant

**Ex. Sigmn. Jayant Bagchi**By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (Pension), Prayagraj.  Ld. Counsel for the applicant submits that Execution Application may be dismissed being infructuous as order has been complied with.  Accordingly, Execution Application is dismissed.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

Ex. A. No. 100 of 2019 Inre: O.A. No. 144 of 2016

Applicant

**Sgt. Rajendra Prasad Pal (Retd.)**By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

09.2022  n'ble Mr. Justice Umesh Chandra Sen'ble Vice Admiral Abhay Raghunat  On the case being taken up for Counsel for the applicant and Dr. Sh	th Karve, Member (A) hearing Shri Shailendra Kumar Singh,
respondents are present.	idiletidia Ottattila Adai, Ed. Oodiisei foi
Affidavit of compliance filed by t Ld. Counsel for the applicant pr	the respondents is taken on record. rays for and is allowed two weeks time
ile objection. List on <b>04.11.2022</b> .	
ice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
i	ile objection.  List on 04.11.2022.  ice Admiral Abhay Raghunath Karve)

Ex. A. No. 4 of 2021 Inre: O.A. No. 590 of 2018

Ex. Rect. Surendar Prasad

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri R. Chandra, Ld. Counsel for the applicant and Ms. Anju
	Singh, Ld. Counsel for the respondents.
	Ld. Counsel for the respondents submits that Execution
	Application may be dismissing being infructuous.
	In compliance of the order passed in Original Application RAMB
	of the applicant was held on 16.01.2021 in which applicant has been
	found suffering with disability @20% for life.
	Ld. Counsel for the respondents submits that in pursuance to
	RAMB PPO has been issued.
	The said PPO has not been filed.
	Let it be filed by the respondents within two weeks.
	List on <b>19.10.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

Ex. A. No. 13 of 2021 Inre: O.A. No. 88 of 2021

Ex. Sep. Sant Ram

Applicant

By Legal Practitioner for the Applicant

**Versus** 

**Union of India & Others** 

Respondents

	Practitioner for Respondents
Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri R. Chandra, Ld. Counse
	for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are
	present.
	Affidavit of compliance filed by the respondents is taken on record.
	Copy of PPO has been filed along with the affidavit of compliance
	wherein disability element has been given to the applicant @100% for life with
	effect from the date of Re-Survey Medical Board i.e. 23.12.2021.
	Ld. Counsel for the applicant submits that applicant was invalided ou
	from service on 15.05.1988 in Low Medical Category and his disability wa
	assessed @100% for two years which was attributable to military service
	However, when disability claim of the applicant was not allowed by th
	Principal Controller of Defence Accounts (Pension), Prayagraj on the premis
	of being a case of neither attributable to nor aggravated by military service, th
	same was challenged in this Tribunal by way of Original Application No. 88 of
	2021 which was allowed on 28.01.2021 directing respondents to grant disabilit
	pension to the applicant @100% for two years from the date of discharge. The
	respondents were further directed to hold Re-Survey Medical Board to asses
	further entitlement of the disability pension. In compliance of the same, Re
	Survey Medical Board was held on 23.12.2021 wherein the applicant has bee
	found suffering with the same disability at the same rate. The submission of Lo
	Counsel is that since in the Re-Survey Medical Board applicant has been foun
	suffering with the same disability at the same rate, this indicate that applicant'
	disability remain same during the intervening period and, therefore, applicar

should be allowed disability pension @100% with attendant allowance from the

date of discharge and not from the date of Re-Survey Medical Board.

The contention of the Ld. Counsel for the applicant seems correct. Respondents are, therefore, directed to issue a Corrigendum PPO granting disability pension to the applicant @100% from the date of discharge in place of from the date of Re-Survey Medical Board. While issuing PPO, details of family member of the applicant will also be mentioned.

Compliance report be filed within four weeks annexing therewith copy of Corrigendum PPO.

List on 11.11.2022.

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

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)

Member (J)

AKD/-

Ex. A. No. 18 of 2021 Inre: O.A. No. 320 of 2019

Sgt. Rohitash Kumar Sharma

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal	
the Registry		
	24 00 2022	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing the Shri Kaushik Chatterjee,	
	Ld. Counsel for the respondents is present and he submits that respondents	
	have filed a Civil Appeal against the decision of the Tribunal wherein an interim	
	application for the grant of stay has also been filed. The said application was	
	taken up for hearing on 29.04.2022 on which date the operation of the	
	impugned order had been stayed for three weeks and interim application was	
	listed for hearing yesterday. The interim application could not be taken up for	
	hearing yesterday due to paucity of time. Thus he submits that hearing of the	
	case be adjourned.	
	In view of the aforesaid, list the matter on 04.11.2022.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	
	AKD/-	

Ex. A. No. 146 of 2022 Inre: O.A. No. 348 of 2021

Ex. Hav. Padmalochan Giri

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Dharam Raj Singh, Ld. Counsel for the applicant and Shri Jai Narayan Mishra, Ld. Counsel for the respondents are present.  On the request of Ld. Counsel for the respondents, two days time is granted to file affidavit of compliance.  List on 07.10.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

O.A. No. 277 of 2020

Hav. (Pharm) Pavitra Mohan Dhal

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal	
	21.09.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing Col. B.P. Singh (Retd.),	Ld.
	Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for	the
	respondents are present.	
	This is a promotion matter which needs physical hearing.	
	List on 16.11.2022 for physical hearing.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastav Member (A) Member (J)	va)
	AKD/-	

O.A. No. 521 of 2021

Applicant

Ex. AC (U/T) Aditya Kashyap
By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Vinay Pandey and Shri
	J.B.S. Rathour, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld.
	Counsel for the respondents are present.
	Counter Affidavit has been filed by the respondents, which is taken on
	record.
	Ld. Counsel for the applicant prays for and is granted two weeks time
	to file Rejoinder Affidavit.
	List on 17.11.2022 for final hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

### O.A. No. 752 of 2022 with M.A. No. 923 of 2022

Ex. L/Nk. Dinesh Pratap Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the	Orders of the Tribunal
Registry	
	21.09.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Devesh Kumar, 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.
	Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri
	Devesh Kumar, Ld. Counsel for the respondents.
	This Original Application has been filed for the grant of disability
	pension.
	There is a delay of 22 years, 11 months and 10 days in filing of
	Original Application.
	Being a pensionary matter, delay is condoned. Delay condonation
	application stands disposed off.
	O.A. No. 752 of 2022
	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 21.11.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 19.12.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

O.A. No. 753 of 2022

BHM (Gnr.) Ram Babu

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	of Orders of the Tribunal	
the		
Registry		
	21.09.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Memo of Appearance filed by Shri 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.	
	Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and	
	Shri Amit Jaiswal, Ld. Counsel for the respondents.	
	This Original Application has been filed for issuing direction to the	
	respondents to promote the applicant to the rank of Naib Subedar.	
	Ld. Counsel for the applicant submits that applicant had preferred a	
	Statutory Complaint against denial of his promotion to the rank of Naib	
	Subedar which the respondents have not disposed off till date. More than six	
	months have passed from the date of preferring of Statutory Complaint.	
	Case 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 21.11.2022 for exchange of	
	pleadings.	
	List the matter before Tribunal on 19.12.2022.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)	
	Member (A) Member (J)	

#### O.A. No. 754 of 2022 with M.A. No. 924 of 2022

Sep. (DSC GD) Monghyri Lal (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the	Orders of the Tribunal
Registry	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion bie vice Admiral Abriay Ragnullatii Rai ve, Member (A)
	Memo of Appearance filed by Shri Devesh Kumar, 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.
	Heard Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and
	Shri Devesh Kumar, Ld. Counsel for the respondents.
	This Original Application has been filed for the grant of disability
	pension.
	There is a delay of 06 months and 11 days in filing of Original
	Application.
	Being a pensionary matter, delay is condoned. Delay condonation
	application stands disposed off.
	O.A. No. 754 of 2022
	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 21.11.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 19.12.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

#### O.A. No. 755 of 2022 with M.A. No. 925 of 2022

Smt. Dhanavati Widow of Late Ex. Sigmn. Vijay Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate
	on behalf of the respondents is taken on record. His name be shown as
	Counsel for the respondents when the case is listed next.
	Heard Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and
	Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.
	This Original Application has been filed praying for grant of family
	pension to the applicant after setting aside the order of dismissal from service
	of her Late husband.
	It is stated that Late husband of the applicant was dismissed from
	service by SCM. A copy of letter dated 27.10.2011 issued by the Records
	Signal has been filed as Annexure - 4 along with Original Application which
	shows that Late husband of the applicant was dismissed from service being
	deserter under Section 20(3) of the Army Act, 1950. Thus the Original
	Application is defective and needs correction.
	Necessary correction in Original Application may be made within two
	weeks by way of amendment.
	Respondents may file objection, if any, against delay condonation
	application.
	List on <b>14.10.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

#### O.A. No. 756 of 2022 with M.A. No. 939 of 2022

Col. Arun Shukla (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri 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.
	Heard Shri S.G. Singh, Ld. Counsel for the applicant and Shri G.S.
	Sikarwar, Ld. Counsel for the respondents.
	This Original Application has been filed for the grant of disability
	pension.
	In view of order dated 10.01.2022 of the Hon'ble Apex Court in
	Miscellaneous Application No. 21/2022 in MA 665/2021 in Suo Motu Writ
	Petition (C) No.3/2020, there is no delay in filing of Original Application,
	however, an application for condonation of delay has been moved which being
	not required is dismissed.
	Matter pertains to grant of disability pension which 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 21.11.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 19.12.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

#### O.A. No. 759 of 2022 with M.A. No. 927 of 2022

Ex. Hav. Vishweshwar Dayal

**Applicant** 

By Legal Practitioner for the Applicant

**Versus** 

#### **Union of India & Others**

Respondents

By Legal Practitioner for Respondents

Notes	of
the	
Regist	ry

### Orders of the Tribunal

#### 21.09.2022

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

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

Heard Shri Vijay Kumar Pandey, Shri Girish Tiwari and Ms. Sunita Singh, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.

This Original Application has been filed for the grant of 3rd MACP.

There is a delay of 14 years, 02 months and 26 days in filing of Original Application.

Ld. Counsel for the applicant submits that delay in filing of Original Application is not deliberate. He further submits that pensionary benefits cannot be denied on the ground of delay. .

The Ld. Counsel for the respondents has vehemently opposed the prayer on the ground that delay has not been properly and satisfactorily explained.

Cause shown is sufficient. Delay is **condoned**. Delay condonation application stands disposed off.

#### O.A. No. 759 of 2022

Ld. Counsel for the applicant submits that since applicant has rendered more than 24 years of service, therefore, in view of Government of India, Ministry of Defence, New Delhi letter dated 30.05.2011 he is entitled to 3<sup>rd</sup> MACP.

Case 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  ${\bf 21.11.2022}$  for exchange of pleadings.

List the matter before Tribunal on 19.12.2022.

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

AKD/-

#### O.A. No. 760 of 2022 with M.A. No. 928 of 2022

Ex. Hony. Nb. Sub. Shyam Narayan

**Applicant** 

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Ramesh Chandra Shukla,
	Advocate on behalf of the respondents is taken on record. His name be shown
	as Counsel for the respondents when the case is listed next.
	Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and
	Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.
	This Original Application has been filed for the grant of disability
	pension.
	There is a delay of 12 years, 08 months and 25 days in filing of
	Original Application.
	Being a pensionary matter, delay is condoned. Delay condonation
	application stands disposed off.
	O.A. No. 760 of 2022
	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 21.11.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 19.12.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

### O.A. No. 761 of 2022 with M.A. No. 929 of 2022

Applicant

**Sgt. Sri Ram Kumar Singh**By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the	Orders of the Tribunal	
Registry		
	21.09.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Manager (Accessed Challes Old Balant Konna Chall Old Land	
	Memo of Appearance filed by Shri Rajesh Kumar Singh Chauhan,	
	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.	
	Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri	
	Rajesh Kumar Singh Chauhan, Ld. Counsel for the respondents.	
	This Original Application has been filed for the grant of disability	
	pension.	
	There is a delay of 01 year, 11 months and 25 days in filing of Original	
	Application.	
	Being a pensionary matter, delay is condoned. Delay condonation	
	application stands disposed off.	
	O.A. No. 761 of 2022	
	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>21.11.2022</b> for exchange of	
	pleadings.	
	List the matter before Tribunal on 19.12.2022.	
	(View Adminal Abbas Banksmath Kama)	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	

### O.A. No. 762 of 2022 with M.A. No. 930 of 2022

Applicant

**Ex. Nk. (TS) Mahesh Singh**By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the Registry	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate
	on behalf of the respondents is taken on record. His name be shown as
	Counsel for the respondents when the case is listed next.
	Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr.
	Shailendra Sharma Atal, Ld. Counsel for the respondents.
	This Original Application has been filed for the grant of disability
	pension.
	There is a delay of 22 years and 25 days in filing of Original
	Application.
	Ld. Counsel for the applicant submits that pensionary benefits cannot
	be denied on the ground of delay. He further submits that delay in filing of
	Original Application is not deliberate.
	Cause shown is sufficient. Delay is condoned. Delay condonation
	application stands disposed off.
	O.A. No. 762 of 2022
	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 21.11.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 19.12.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

#### O.A. No. 763 of 2022

Ex. Sgt. Sandeep Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the	Orders of the Tribunal
Registry	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Kaushik Chatterjee,
	Advocate appeared and submits that he will file Memo of Appearance during
	the course of the day.
	Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and
	Shri Kaushik Chatterjee, Ld. Counsel for the respondents.
	This Original Application has been filed for the grant of disability
	pension.
	Case 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 21.11.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 19.12.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

#### O.A. No. 764 of 2022 with M.A. No. 931 of 2022

Ex. Rect. Sandeep Singh

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Alok Kumar Mishra, Advocate on
	behalf of the respondents is taken on record. His name be shown as Counsel
	for the respondents when the case is listed next.
	Heard Shri Dharam Raj Singh, Ld. Counsel for the applicant and Shri
	Alok Kumar Mishra, Ld. Counsel for the respondents.
	This Original Application has been filed for the grant of disability
	pension.
	There is a delay of 12 days in filing of Original Application.
	Being a pensionary matter, delay is condoned. Delay condonation
	application stands disposed off.
	O.A. No. 764 of 2022
	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 21.11.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 19.12.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

#### O.A. No. 765 of 2022 with M.A. No. 932 of 2022

Ex. Hony. Nb. Sub. Subhash Mishra

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Bipin 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.
	Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri
	Bipin Kumar Singh, Ld. Counsel for the respondents.
	This Original Application has been filed for the grant of disability
	pension.
	There is a delay of 19 years, 02 months and 16 days in filing of
	Original Application.
	Being a pensionary matter, delay is condoned. Delay condonation
	application stands disposed off.
	O.A. No. 765 of 2022
	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 21.11.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 19.12.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

Ex. A. No. 303 of 2022 Inre: O.A. No. 176 of 2019

Applicant

**Ex. Sep. Uday Bir Singh**By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on
	behalf of the respondents is taken on record. His name be shown as Counsel
	for the respondents when the case is listed next.
	On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld.
	Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the
	respondents are present.
	This application has been filed for implementation of order dated
	02.12.2020 of this Tribunal in Original Application No. 176 of 2019.
	It is a fresh Execution Application.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to seek instructions and to file affidavit of compliance.
	List on <b>23.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

Ex. A. No. 304 of 2022 Inre: O.A. No. 550 of 2017

Smt. Kalash Kumari W/o Late Ex. Gnr. Jagdish

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Ms. 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.
	On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld.
	Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the
	respondents are present.
	This application has been filed for implementation of order dated
	15.07.2021 of this Tribunal in Original Application No. 550 of 2017.
	It is a fresh Execution Application.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to seek instructions and to file affidavit of compliance.
	List on <b>24.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

Ex. A. No. 305 of 2022 Inre: O.A. No. 9 of 2017

Smt. Radha Devi W/o Late Sep. Gyan Singh

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

	Orders of the Tribunal
the Registry	
Registry	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate
	on behalf of the respondents is taken on record. His name be shown as
	Counsel for the respondents when the case is listed next.
	On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld.
	Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	This application has been filed for implementation of order dated
	23.03.2021 of this Tribunal in Original Application No. 9 of 2017.
	It is a fresh Execution Application.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to seek instructions and to file affidavit of compliance.
	List on <b>24.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

Ex. A. No. 306 of 2022 Inre: O.A. No. 612 of 2021

Ex. MWO Suresh Chandra Dwivedi

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Ms. Deepti Prasad Bajpai, Advocate on
	behalf of the respondents is taken on record. Her name be shown as Counsel
	for the respondents when the case is listed next.
	On the case being taken up for hearing Shri Sudhir Kumar Singh, Ld.
	Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the
	respondents are present.
	This application has been filed for implementation of order dated
	06.05.2022 of this Tribunal in Original Application No. 612 of 2021.
	It is a fresh Execution Application.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to seek instructions and to file affidavit of compliance.
	List on <b>24.11.2022</b> .
	LIST ON Z4.11.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/-

O.A. No. 247 of 2022

**Ex. Hav. (Hony. Nb. Sub.) Ram Chet** By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing no one is present on behalf of
	the applicant.
	Shri Rajesh Shukla, Ld. Counsel for the respondents is present.
	No Rejoinder Affidavit has been filed.
	List on <b>24.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

#### O.A. No. 633 of 2022

Nk. Chef Sudhir Kumar Tiwari

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Col. R.C. Dixit (Retd.), Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.  Shri R.C. Shukla, Ld. Counsel appearing on behalf of the respondents submits that he has received the para-wise comments and reply will be filed within two days.  Let reply be filed and case be listed on 23.09.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

#### O.A. No. 548 of 2021

Applicant

**Ex. Sep Suraj Kumar**By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents
	are present.
	A supplementary affidavit has been filed today in the court by learned
	counsel for the applicant which is taken on record.  List on 18.11.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	SB

#### O.A. No. 820 of 2021

Hav. Krishna Kant Pandey

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri KP Datta, Ld. Counsel for
	the applicant and Shri RC Shukla, Ld. Counsel for the respondents are
	present.
	Amendments have been incorporated, however, copy of amended O.A.
	has not been furnished. Let it be furnished within a week. Thereafter,
	respondents will have three weeks time to file supplementary counter affidavit.
	List on <b>18.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)  SB

## O.A. No. 840 of 2021

**Ex. Gnr Ram Kishore Mishra** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing no one is present on behalf of the applicant.
	Shri Yogesh Kesarwani, Ld. Counsel for the respondents is present.  Heard learned counsel for the respondents.
	Original Application is <b>dismissed on merit</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.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)  SB

## O.A. No. 856 of 2021

**Nb Sub Azad Singh** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
Notes of the	Orders of the Tribunal
Registry	
regiony	
	21.09.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Vijay Kumar Pandey and
	Shri Girish Tiwari, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld.
	Counsel for the respondents are present.
	Counter affidavits have been filed by the respondents which are taken
	on record.
	Copies of counter affidavits have not been given to learned counsel for
	the applicant. Let copies be given by tomorrow.
	Rejoinder affidavit, if any, may be filed within two weeks.
	List on 21.11.2022 for final hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

## O.A. No. 50 of 2022

Ex WO Vijai Pratap Narain Mishra

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.  As prayed by learned counsel for the applicant, list on 10.10.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

## O.A. No. 82 of 2022

**Rect. Harish Gangwar** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Akhilesh Kumar Maurya, Ld. Counsel for the applicant and Shri R C Shukla, Ld. Counsel for the respondents are present.  Counter affidavit filed by the respondents is taken on record.  Rejoinder affidavit may be filed within two weeks.  List on 22.11.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

## O.A. No. 105 of 2022

Ex. Rect Vikas Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Anugrah Narayan, Ld.
	Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the
	respondents are present.
	As prayed, two weeks further time is granted to file counter affidavit.
	List on <b>03.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	SB

O.A. No. 108 of 2022

Ex. Craftsman /Welder Krishna Bhan Singh

**Applicant** 

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.  Counter affidavit has been today by the PCDA which is taken on record. List on <b>04.11.2022</b> for final hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

## O.A. No. 145 of 2020

Ex. Sub Ram Kumar Nadar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.  Counter affidavit has been filed by the respondents which is taken on record.  Applicant may file rejoinder affidavit, if any, within two weeks.  List on 22.11.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

## O.A. No. 314 of 2022

Ex. NK Markande Prasad Verma

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri V.K.Pandey, Shri Sandeep
	Tripathi and Ms.Sunita Singh, Ld. Counsel for the applicant and Ms. Deepti
	Prasad Bajpai, Ld. Counsel for the respondents are present.
	Counter affidavit has been filed by the respondents which is taken on
	record.
	Copy of counter affidavit be given to learned counsel for the applicant
	within a week.
	Rejoinder affidavit, if any, may be filed within a week.
	List on <b>10.10.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	SB

## O.A. No. 315 of 2022

Smt. Seema Pandey w/o Late Hav. Hemant Kumar Pandey
By Legal Practitioner for the Applicant

**Applicant** 

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the Registry	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld.
	Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the
	respondents are present.
	In response to notice, respondents No. 1 to 5 have filed counter affidavit
	which is taken on record.
	Applicant has filed this application for grant of compassionate
	appointment under the dying and harness rules and personal accident claim of
	Insurance under Defence Salary Package (DSP) scheme.
	The Bank as well as Insurance Company have been made party in the
	Original Application but no notice has been issued.
	Issue notices to respondents No. 6 & 7 returnable within four weeks.
	Steps be taken within a week.
	List on <b>17.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

## O.A. No. 317 of 2022

**Ex. Nb Sub Aditya Prakash Tripathi** By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Vijay Kumar Pandey, Shri Girish Tiwari and Ms. Sunita Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.  As prayed, two weeks further time is granted to file counter affidavit.  List on <b>04.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

O.A. No. 318 of 2022

Ex. Nk Top Bahadur Thapa

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri V.K.Pandey and Shri T.K.
	Shukla, Ld. Counsel for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents are present.
	As prayed, two weeks further time is granted to file counter affidavit as a
	last chance.
	List on <b>07.11.2022.</b>
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	SB

## O.A. No. 360 of 2022

Smt. Kamla Devi W/o Late Reservist Ram Nath

**Applicant** 

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld.
	Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents
	are present.
	In response to notice, respondents No. 1 to 5 have appeared and filed
	counter affidavit which has been taken on record.
	Rejoinder affidavit filed by the applicant has also been taken on record.
	No one has appeared on behalf of the respondents No. 6 & 7 despite
	service of notice being held sufficient on them. Case shall proceed ex parte against both these respondents.
	On the date fixed, respondents shall produce original documents
	relating to deceased husband of the applicant in the court for perusal of the
	Bench.
	List on <b>17.11.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

O.A. No. 361 of 2022

Ex. HFO Ashok Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal	
	21.09.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for	
	the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are	
	present.	
	No counter affidavit has been filed.	
	On the request of learned counsel for the respondents two weeks further	
	time is granted to file counter affidavit on the condition that if counter affidavit is	
	not filed within the time given, opportunity will be closed.	
	List on <b>19.10.2022</b> .	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	
	SB	

## O.A. No. 622 of 2022 with M.A. No. 760 of 2022

**Hony Nb Sub Rajender Prasad Dubey**By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal	
the		
Registry		
	21.09.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Tion ble vice Admiral Abriay Ragiluliani Raive, Member (A)	
	On the case being taken up for hearing Shri Parijaat Belaura, Ld.	
	Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the	
	respondents are present.	
	Learned counsel for the applicant submits that applicant is Pre-2006	
	retiree Havildar to whom the rank of Hony Naib Subedar was conferred after	
	his retirement. He further submits that in view of Ministry of Defence letter No.	
	1(8)/2008-D (Pen/Policy) dated 12.06.2009, applicant is entitled to service	
	pension of regular Nb Sub.	
	Case needs adjudication.	
	Admit.	
	Issue notice to the respondents.	
	Shri Sunil Sharma, Advocate has accepted notice on behalf of the	
	respondents, hence, service of notice is waived.	
	Respondents may file counter affidavit within two weeks. Thereafter,	
	rejoinder affidavit, if any, may be filed by the applicant.	
	List on <b>12.10.2022</b> .	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	

## T.A. No. 6 of 2013

Zamir Ahmad Petitioner

By Legal Practitioner for the Petitioner

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Bhanu Pratap Singh
	Chauhan and Shri Virat Anand Singh, Ld. Counsel for the Petitioner and Shri
	Asheesh Agnihotri, Ld. Counsel for the respondents are present.
	Case needs physical hearing.
	List on 07.11.2022 for physical hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

## O.A. No. 208 of 2014

**Pravind Kumar Singh** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Shailendra Kumar Singh,
	Ld. Counsel for the applicant and Shri D.K.Pandey, Ld. Counsel for the
	respondents are present.
	Case needs physical hearing.
	List on <b>09.11.2022</b> for physical hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

## O.A. No. 258 of 2017

**Akil Ahmad Ansari** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry		
	21.09.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel	
	for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are	
	present.	
	Case needs physical hearing.	
	List on 10.11.2022 for physical hearing.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	

## O.A. No. 744 of 2020

Ex. Nb Sub (MACP) Kalpnath Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Director General of Military Operation IHQ of (Army) MoD New Delhi.
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal	
	21.09.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing Shri Raj Kumar Mishra and Ms.	
	Upasna Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal,	
	Ld. Counsel for the respondents are present.	
	Respondents have filed supplementary affidavit which is taken on	
	record.	
	List on <b>12.10.2022</b> .	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	

## O.A. No. 459 of 2020

Sub Raeesul Hasan (Retd)

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Sr Hon'ble Vice Admiral Abhay Raghunati	
	On the case being taken up for hind. Counsel for the applicant and Dr. Shatthe respondents are present.  Case needs physical hearing.  List on 11.11.2022 for physical hear	
	(Vice Admiral Abhay Raghunath Karve)  Member (A)	(Justice Umesh Chandra Srivastava) Member (J)

## O.A. No. 154 of 2021

Applicant

**Ex. Hav. Rajeev Kumar Sengar**By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal	
the		
Registry		
	21.09.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. S.N.	
	Pandey, Ld. Counsel for the respondents.	
	Applicant has filed this application for grant of service pension with	
	arrears w.e.f. 28.04.2011. The grievance raised by the O.A. has been	
	conceded by the respondents and in pursuance thereof PPO has been issued.	
	A compliance report has been filed by the respondents alongwith which	
	copies of letter dated 07.05.2022 and PPO have been annexed.	
	Since, grievance raised in application has been redressed by issuing	
	PPO and applicant is in receipt of service pension from the date he has prayed,	
	application has rendered infructuous and is therefore, liable to be dismissed as	
	such.	
	Accordingly, Original Application is dismissed being infructuous.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	
	SB	

## O.A. No. 738 of 2021

**Hav (Amb Asst) Madhav Prasad**By Legal Practitioner for the Applicant

Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal	
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld.	
	Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.	
	Counter affidavit filed by the respondents is taken on record.	
	Rejoinder affidavit filed by the applicant is also taken on record.	
	List on <b>14.11.2022</b> for hearing.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)	
	Member (A) Member (J) SB	

O.A (A) No. 251 of 2021

Hav. Abdul Wasim Khan

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	21.09.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing wife of the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.  Since, Shri Virat Anand Singh, learned counsel for the applicant is busy in a matter in the High Court, Lucknow, the hearing of the case is adjourned. List on 13.10.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

O.A. No. 225 of 2022

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

Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal	
	21.09.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Tion bie vice Admiral Abriay Ragiluliatii Raive, Member (A)	
	On the case being taken up for hearing Shri Parijaat Belaura, Ld.	
	Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the	
	respondents are present.	
	Counter affidavit has been filed by the respondents which is taken on	
	record.	
	No rejoinder affidavit has been filed.	
	List on <b>12.10.2022</b> for hearing.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	