





































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

**Ex. A. No. 77 of 2022 Inre : O.A. No. 777 of 2020**

**Ex. Rfn. Prem Bahadur Chhetri**  
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>22.09.2022</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, 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 else the officer responsible for implementation of the order shall remain physically present in Tribunal on the next date fixed to explain the reason for non-compliance of the order.</p> <p>List on <b>16.11.2022</b>.</p> <p>Let copy of this order be given to the Ld. Counsel for the respondents/ AFT Legal Cell for compliance.</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. 79 of 2022 with M.A. No. 858 of 2022 Inre : Ex. A. No. 84 of 2019,**  
**Ex. A. No. 181 of 2017 Inre : O.A. No. 174 of 2016**

**Smt. Nisha Devi W/o Late Ex. Sep. Kailash Kumar** Applicant  
By Legal Practitioner for the Applicant

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>22.09.2022</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 Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>An affidavit has been filed by the applicant, which is taken on record.</p> <p>It is submitted that in compliance to order a PPO has been issued in the name of present applicant Smt. Nisha Devi, wherein the Bank account number of her husband has erroneously been mentioned. She has written a letter to the concerned Records Office for correction in PPO and in turns the OIC Records has sent a letter dated 01.07.2022 to Principal Controller of Defence Accounts (Pension), Prayagraj for issuing the Corrigendum PPO but nothing has been done so far.</p> <p>Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj is requested to seek instruction and apprise.</p> <p>List on <b>03.11.2022.</b></p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align:right"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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**{See rule 11(1)}**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**Ex. A. No. 101 of 2022 Inre : O.A. No. 312 of 2020**

**Ex. Sub. (Hony. Lt.) Gajraj 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>22.09.2022</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 Parijaat Belaura, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondent Nos. 1 to 4 are present.</p> <p>Affidavit of compliance filed by the respondent Nos. 1 to 4 is taken on record.</p> <p>Mohd. Zafar Khan, Advocate, who is Counsel for State Bank of India (respondent Nos. 5 and 6), submits that two weeks time be granted to seek instruction from the Bank regarding payment made to the applicant, which is allowed.</p> <p>Applicant is directed to supply copy of Execution Application to Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 (Bank) within a week.</p> <p>List on <b>09.11.2022</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)}**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**Ex. A. No. 102 of 2022 Inre : O.A. No. 277 of 2021**

**Ex. Sep. Khim Bahadur Thapa**  
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>22.09.2022</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. S.N. Pandey, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Ld. Counsel for the respondents submits that in compliance of the order PPO has been issued on 21.07.2022.</p> <p>Let PPO be brought on record within two weeks.</p> <p>List on <b>11.11.2022</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**

**O.A. No. 769 of 2022 with M.A. No. 941 of 2022**

**Ex. L/Nk. Abdul Khalik**  
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>22.09.2022</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. Gyan 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 D.S. Tiwari, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p><b><u>M.A. No. 941 of 2022</u></b></p> <p>This application has been filed praying for condonation of delay of 28 years, 10 months and 26 days in filing of Original Application.</p> <p>Ld. Counsel for the applicant submits that applicant was discharged from service in low medical category with effect from 01.05.1991 for which he was granted service element. Apprehending the discharge order illegal he had filed Writ Petition in the Hon'ble High Court against the order of discharge which was dismissed in default. He further submits that being invalidated out from service on account of low medical category applicant is entitled to disability pension which includes both service element and disability element, not only service element. He further submits that pensionary benefits cannot be denied on the ground of delay.</p> <p>Cause shown is sufficient. Delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 769 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>22.11.2022</b> for exchange of pleadings.</p> <p>List the matter before Tribunal on <b>20.12.2022</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>AKD/-</p>















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

**M.A. No. 976 of 2022 Inre : O.A. No. 880 of 2021**

**Lt. Col. Awadhesh 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>22.09.2022</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. 976 of 2022</u></b></p> <p>Heard Shri Puru Mudgal, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This application has been filed praying for fixing an early date of hearing in the Original Application.</p> <p>Ld. Counsel for the applicant submits that applicant has filed an interim application for issuing direction to the respondents to allow him to report to his parent Unit i.e. Base Hospital, Lucknow after lifting the attachment order to DRC, Faizabad.</p> <p>This application came up for hearing before us on 11.07.2022 and while keeping the GCM proceedings against the applicant in abeyance no order was passed in regard to lifting of attachment on the premise that this order has been passed in respect of charge-sheet dated 02.01.2022, which has not been challenged in the Original Application. Ld. Counsel submits that applicant has filed a separate amendment application being Misc. Application No. 969 of 2022 to amend the Original Application, however, hearing on the said application could not be made till date. The Original Application is listed for hearing on 20.10.2022. He further submits that despite General Court Martial proceedings being kept in abeyance against the applicant, he is not allowed to report to his parent Unit, rather has been confined to DRC, Faizabad,.</p> <p>On the other hand, Ld. Counsel for the respondents submits that early hearing application should not be allowed as paper-book of the case is not available with him.</p> <p>It appears that interim application for lifting attachment of the applicant from DRC, Faizabad was filed on 05.05.2022. Taking a note of this and prayer made, we think it proper to hear the matter. Application is, therefore, <b>allowed</b>.</p> <p>Original Application be listed tomorrow i.e. <b>23.09.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</b> <b>Member (A) Member (J)</b></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. 158 of 2020**

**Ex. Sep Lakhveer 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>22.09.2022</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 Dr. S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant submits that direction be issued to the respondents to file report of Release Medical Board as copy of Medical Board filed alongwith counter affidavit is of Re-cat Medical Board.</p> <p>Copy of Release Medical Board be filed by the respondents within two weeks.</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)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>SB</p>









































