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

Ex. A. No. 19 of 2021 Inre : O.A. No. 553 of 2018

Ex. Sep. Ram Otar 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri R. Chandra, Advocate holding brief of Shri R.K. Sharma, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents assisted by Capt. Priyanka, Departmental Representative for the respondents. This application has been filed for implementation of order dated 03.11.2020 in Original Application No. 553 of 2018 by which while allowing the Original Application the respondents have been directed to pay arrears of pension to the applicant after deducting the gratuity paid to him within four months from the date of production of certified copy of the order. The order has not been complied so far. Ld. Counsel for the respondents submits that respondents being aggrieved with the order of this Tribunal had filed a Leave to Appeal application to file Appeal against the decision of this Tribunal in the Hon'ble Apex Court which was rejected on 17.02.2021. Thereafter, the case of the applicant has been processed for implementation of the order, but as multiple agencies are involved in the process, the same could not be completed. On 31.01.2022 the respondents, on their request, were allowed four weeks time for implementation of the order with conditions that officer responsible for implementation of the order shall remain physically present in Tribunal to explain why coercive measure be not taken against him if the order is not complied with. Despite the same, neither order has been complied with nor the officer is present in Tribunal to explain the reason. We are told that Lt. Col. Prasad Balan, Director, PS-4, IHQ of MoD (Army), New Delhi is responsible for implementation of the order. Registry is directed to issue notice to him requiring his presence in Tribunal on 06.05.2022 to file his personal affidavit stating why contempt proceedings be not initiated against him for non-compliance of the order. A copy of order be provided to the AFT Legal Cell also to communicate the officer concern about the order passed by this Tribunal. List on **06.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 134 of 2018 Inre : O.A. No. 123 of 2010

Smt. Durgawati 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents. This Trinunal vide its order dated 05.01.2018 in O.A. No. 123 of 2010 had while setting aside the convening order as well as the charge-sheet against Late Capt. Vivek Anand Singh directed the respondents to lodge an F.I.R. with regard to recovery of arms and ammunitions besides granting invalid pension to Late Capt. Vivek Anand Singh upto his death and thereafter family pension to his next of kin as per Rules of Invalid Pension. It is submitted by the Ld. Counsel for the respondents that in regard to implementation of the order Government Sanction had been accorded and applicant, who is the wife of Late Capt. Vivek Anand Singh was required to complete certain formalities for the generation of PPO, however, she having failed to do the same, the PPO could not be generated. It is further submitted that as soon formalities are completed the PPO would be generated without delay. In reply, Ld. Counsel for the applicant submitted that he has been informed by the OIC Records that applicant is not interested in receiving pensionary benefits of Late Capt. Vivek Anand Singh. She is interested in implementation of rest of the order i.e. regarding lodging of the F.I.R. which the respondents have not done so far. During the course of hearing, a quarry was made to the Ld. Counsel for the respondents that when in regard to implementation of the order Government Sanction had accorded much before then why F.I.R. was not lodged, he sought two weeks time to seek instructions which is allowed. List on **12.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 340 of 2021

NC (E) Sunil Kumar Mishra (Lascar) 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents and Rejoinder Affidavit filed by the applicant are taken on record. Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 807 of 2021

Ex. Sigmn. Gajendra 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
	23.03.2022 **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 V.K. Chahar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 347 of 2021

Ex. Hav. Mukesh 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Counter Affidavit filed by the respondents and Rejoinder Affidavit filed by the applicant are taken on record. Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 793 of 2021

Ex. Sub. Pyar Chand 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Rejoinder Affidavit filed by the applicant is taken on record. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Mrs. Anju Singh, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Ms. Preeti Mala, Advocate on behalf of the respondents is taken on record. Heard Shri K.K. Misra, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents. It is a fit case for 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 **04.05.2022** for exchange of pleadings. List the matter before Tribunal on **26.05.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 202 of 2022 with M.A. No. 270 of 2022

Col. Surya Prakash Singh (Retd.) 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Dr. Gyan Singh, Advocate on behalf of the respondents is taken on record. Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. 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**. The matter pertains to grant of disability pension. It is a fit case for 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 **04.05.2022** for exchange of pleadings. List the matter before Tribunal on **26.05.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 203 of 2022

Ex. Nk. Kaushal 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
	23.03.2022 **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. Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents. It is a fit case for 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 **04.05.2022** for exchange of pleadings. List the matter before Tribunal on **26.05.2022.** A copy of this order be given to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 204 of 2022 with M.A. No. 271 of 2022

Ex. Nk. Johar 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
	23.03.2022 **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. Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents. 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**. The innocuous prayer of the applicant is that to direct the respondents to decide the applicant's representation/Statutory Complaint dated 21.02.2021, which is pending with the respondents. With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to decide the applicant's representation/Statutory Complaint dated 21.02.2021, annexed as Annexure No.1 of Original Application, by a speaking and reasoned order in accordance with law, if not already decided, within a period of three months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly. Let copy of this order be provided to the learned Counsel for the parties. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. (A) No. 200 of 2022

Ex. Nk. Ajay Kumar Gautam Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Asheesh Agnihotri, Advocate on behalf of the respondents is taken on record. Heard Shri K.K. Misra, Ld. Counsel for the appellant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. This is an Original Application filed under Section 15 of the Armed Forces Tribunal Act, 2007 for quashing the order dated 15.04.2021 by which appellant has been dismissed from service. 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**. The points raised in Original Application need consideration, therefore, Original Application is admitted for hearing. 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 **04.05.2022** for exchange of pleadings. List the matter before Tribunal on **26.05.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Ex. Sub. (Hony. Lt.) Gajraj 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record. 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 respondents are present. Ld. Counsel for the respondents submits that in compliance of the order of the Tribunal PPO has been generated on 15.02.2022 with its copy to the applicant. The PPO has not been brought on record. Respondents are, therefore, directed to bring the PPO on record within two weeks. List on **11.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 266 of 2022 with M.A. No. 267 of 2022 Inre : O.A. No. 695 of 2020

Union of India & Others Applicants
By Legal Practitioner for the Applicants

Versus

Col. Sanjeev Agnihotri Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Rajeev Narayan Pandey , Ld. Counsel for the applicants – Union of India & Others. 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 Leave to Appeal, however, an application for condonation of delay has been moved which being not required is **dismissed**. This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. Upon hearing submissions of Ld. Counsel for the applicants – Union of India & Others and 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. Accordingly, Leave to Appeal is **dismissed**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 31 of 2019 Inre : O.A. No. 236 of 2013

Ex. Rect. Bashisth Singh Yadav 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** An affidavit has been filed today by the respondents which is taken on record. Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that in compliance of the order of the Tribunal PPO has been generated with its copy to the applicant. A copy of PPO has also been filed along with affidavit filed today. In regard to PPO, the Ld. Counsel for the applicant submits that it is in terms of the order. Thus order seems to have been complied with. Accordingly, Execution Application is **dismissed** being infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 08 of 2021 Inre : O.A. No. 282 of 2016

Varun Kumar Pandey 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. The order passed by this Tribunal is dated 24.05.2018 has not yet been complied with. In regard to non-compliance, the submission of Ld. Counsel for the respondents is that against the decision of this Tribunal respondents have filed Special Leave Petition in which notice has been issued to the applicant, but the applicant is intentionally not appearing in Hon'ble Supreme Court, with the result the matter is not being heard. Thus he submits that further time be granted to bring stay order. Per contra, the submission of Ld. Counsel for the applicant is that there is no stay in the matter and as such there is no hurdle in getting implementation of the order, more so when it was already directed in the previous order that order under execution must be executed within four weeks. Upon hearing submissions of Ld. Counsel of both sides and considering that despite the fact that Special Leave Petition has been filed in the Hon'ble Apex Court in which there is no stay we direct respondents to implement the order within four weeks positively, failing which the officer responsible for the implementation of the order shall remain physically present in the Tribunal on the next date fixed to explain why coercive measure be not taken against him. List on **06.05.2022**. A copy of this order be given to the Ld. Counsel for the respondents/AFT Legal Cell for compliance. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 85 of 2021 Inre : O.A. No. 202 of 2020

Smt. Mina Singh W/o Late Sub. Ram Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents and, as a last chance, three weeks further time is granted to file affidavit of compliance. List on **29.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 87 of 2021 Inre : O.A. No. 296 of 2021

Ex. Spr. Rashpal 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
	23.03.2022 **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, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents are present. Shri Rajiv Narayan Pandey, Ld. Counsel appearing on behalf of respondents submits that a Review Application in the matter has been filed in the registry on 21.03.2022. Copy of Review Application has not been served upon the Ld. Counsel for the applicant. Let it be served within three days. List on **11.04.2022** along with Review Application filed in the matter. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

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

Rect. Brij Bhushan 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present. Objection to Execution Application filed by the respondents is taken on record. List on **18.04.2022** on which date the applicant shall remain present in person along with documentary proof that he has gone to the Centre but he was not allowed to join the duty. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 05 of 2022 Inre : O.A. No. 581 of 2019

Smt. Sangeeta W/o Ex. L/Nk (Late) Achhe Lal 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad). This Executio Application has been filed to implement the order dated 25.08.2021 in Original Application No. 581 of 2019 by whch respondents have been directed to pay Rs.10 Lacs as Ex-Gratia to the applicant within a period of four months from the date of order. It is provided in the order that if Ex-Gratia is not paid within four months, applicant will be entitled to interest @8% per annum. In compliance to above, the PPO has been generated on 14.12.2021 and Ex-Gratia has been credited in applicant's account on 31.12.2021 as said by the Ld. Counsel for the applicant. The submissions of Ld. Counsel for the applicant is that since there was a direction to pay Ex-Gratia within a period of four months which means the amount was to be credited in applicant's account before 24.12.2021 and the same was not done rather it was done on 31.12.2021, therefore, respondents be directed to pay interest on delayed payment. Upon hearing submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case we find that since PPO has been generated on 14..12.2021 i.e. well within the four months. The order stands complied with, as a result of which Execution Application has become infructuous. Accordingly, Execution Application is **dismissed** being infructuous. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 06 of 2022 Inre : Ex. A. No. 43 of 2019 & Inre : O.A. No. 105 of 2017

Smt. Poonam Shukla 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri Angrej Nath Shukla, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad). An affidavit of compliance has been filed by the respondents, which is taken on record. A copy of Corrigendum PPO has been annexed along with affidavit on which perusal it appears that it is in terms of the order. Ld. Counsel for the applicant submits that despite Corrigendum PPO being generated on 24.11.2021 nothing has been credited in applicant's account till date. Applicant is, therefore, directed to file updated copy of Passbook by the next date fixed to ascertain whether amount has been credited or not. List on **09.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 07 of 2022 Inre : O.A. No. 337 of 2020

Ex. Sub. Harish 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
	23.03.2022 **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 D.K. Pandey, Ld. Counsel for the respondents. An affidavit has been filed today by the respondents, which is taken on record. The order under execution has not yet been complied with, rather four weeks further time has been sought on the premise that Leave to Appeal application filed by the respondents has been dismissed on 02.02.2002 where-after the matter has been processed for implementation of the order. Let order be complied with within four weeks failing which respondents shall be liable to pay Rs.10,000/- as cost to the applicant. List on **09.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 25 of 2022 Inre : O.A. No. 47 of 2021

Ex. Sub. (Clk. SD) Gaikwad Sayaji Dadaso 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
	23.03.2022 **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, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents, four weeks further time is granted to file affidavit of compliance. List on **11.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A. No. 26 of 2022 Inre : O.A. No. 308 of 2019

Hav. Didar 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
	23.03.2022 **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, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present. As prayed by the Ld. Counsel for the respondents, four weeks further time is granted to file affidavit of compliance. List on **11.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 16 of 2019 Inre : O.A. No. (Nil) of 2019

Ex. Sep. Pappu 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
	23.03.2022 **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 D.K. Pandey, Ld. Counsel for the respondents is present. Shri Sudhir Kumar Singh, Ld. Counsel for the applicant is reported to be ill. List on **13.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 246 of 2022 Inre : M.A. No. 183 of 2022 Inre : O.A. No. 688 of 2020

Ex. Nk. (TS) Rajendra Singh Rawat 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri A.K. Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. In view of facts averred in affidavit filed in support of application, the early hearing application is **allowed**. Let Leave to Appeal be listed on **30.03.2022**. Registry is directed to reflect the name of Shri Amit Jaiswal, Advocate as Counsel for the respondents when the case is listed next. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 248 of 2022 Inre : M.A. No. 182 of 2022 Inre : O.A. No. 49 of 2014

Ex. Sep. Mahendra 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri A.K. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. In view of facts averred in affidavit filed in support of application, the early hearing application is **allowed**. Let Leave to Appeal be listed on **30.03.2022**. Registry is directed to reflect the name of Dr. Shailendra Sharma Atal, Advocate as Counsel for the respondents when the case is listed next. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 143 of 2021

Hav./PA Vishal Bakshi 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
	23.03.2022 **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 Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. On the request of Ld. Counsel for the respondents, three weeks further time is granted to file due and drawn statement. List on **27.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 823 of 2021

Gp. Capt. Manoj Kumar Baranwal (Retd.) 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present. Ms. Amrita Chakraborty, Ld. Counsel for the respondents submits that Counter Affidavit is ready and may be filed in registry today itself. List on **24.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

O.A. No. 836 of 2021

Ex. Hav. Dev Bahadur Chhetri 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Rejoinder Affidavit filed by the applicant is taken on record. Heard Shri V.K. Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents. Original Application is **allowed**. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

Ex. A No. 65 of 2021 Inre O.A. No. 497 of 2017

Smt. Satbiri wife of Late Ex. Sep Ajaipal 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. Ld. Counsel for the respondents submits that implementation of the order is under process and may be completed very soon. Let process of implementation be completed within four weeks without fail else respondents shall pay Rs.10,000/- as cost to the applicant. List on **05.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

M.A. No. 281 of 2022 Inre O.A. No. 315 of 2019

Col. Balraj Sharma, SC 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** **M.A. No. 281 of 2022** Heard Col. Balraj Sharma, the applicant in Person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents. For the reasons stated in affidavit filed in support of application, the early hearing application is **allowed**. Let Original Application be listed on **25.03.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** AKD/-

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

R.A. No. 34 of 2022 with M.A. No. 273 of 2022 Inre : O.A. No. 497 of 2017

Union of India and Others **Review Applicants**

Versus

Smt. Satbiri W/o Late Ex. Sep. Ajaipal Singh **Respondent**
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** Heard Dr. Shailendra Sharma, Ld. Counsel for the review applicants – Union of India and Others and Shri K.K. Mishra, Ld. Counsel for the respondent. 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 Review Application, however, an application for condonation of delay has been moved which being not required is **dismissed**. The applicants-Union of India & Others have filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review and setting aside the judgement and order dated 14.01.2019 of this Tribunal passed in Original Application No. 497 of 2017 *inter alia* on the ground that husband of the applicant was discharged from DSC service on completion of his initial terms of engagement, hence he is not entitled for the grant of disability pension. The operating portion of the order reads as under:- *"In view of the above, the Original Application No 497 of 2017 deserves to be allowed, hence allowed. Husband of the applicant was entitled to disability pension w.e.f. the date of his discharge but the applicant has approached this Tribunal with long delay so the arrears of disability pension and benefits of rounding off to 75% shall be restricted w.e.f. three years prior to the date of filing of this Original Application till the date of death of husband of applicant. The date of filing of this Original Application is 21.12.2016. The respondents are directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 9% per annum till actual payment."* The order of which review has been sought was passed by the Bench

comprising of Hon'ble Mr. Justice S.V.S. Rathore, Member (J) (since retired) and Hon'ble Air Marshal B.B.P. Sinha, Member (A) (since since retired).

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

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

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

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

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

In the result, Review Application is **rejected.**

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

O.A. No. 522 of 2021

Ex. Sub. Vijay Kumar Dubedi 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
	23.03.2022 **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 Virat Anand Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents. Learned counsel for the applicant submits that applicant was enrolled in the Army on 23.07.1984 and was discharged from service on 31.07.2014 in low medical category for which applicant is in receipt of 30% disability element for his disability "PRIMARY HYPERTENSION" but the benefit of rounding off has not been given to the applicant till today in terms of Govt. of India letter dated 31.01.2001. Learned counsel for the respondents submits that applicant has been granted disability element @ 30% for life w.e.f. 01.08.2014 vide PPO dated 29.10.2014. She further submitted that consequent upon issuance of PCDA (P) Allahabad Circular No. 596 dated 09.02.2018, broad banding benefits of disability/war injury element with effect from 01.01.2016 are extended to all pre 01.01.2016 pensioners who were in receipt of disability element as on 31.12.2015 and the responsibility for grant of broad banding benefits has been given to Pension Disbursing Agencies (PDAs) of the pensioners for suomoto revision of the such cases. Hence, the applicant is required to approach his PDA directly for rounding off benefit w.e.f. 01.01.2016. She also submitted that the Chief Manager, SBI (CPPC), Prayagraj has again been requested vide Signal Records letter dated 17.01.2022 to make the payment to the applicant as per revised rate of rounding off benefits of disability element for life w.e.f. 01.01.2016. A copy of letter has also been forwarded to the applicant advising him to approach his PDA for revision of his disability element accordingly.

	In view of above, Bank concerned i.e. PDA of the applicant is directed to grant benefit of rounding off @ 50% on disability element of the applicant from 01.01.2016 and pay arrears of disability element (from 30% to 50%) to the applicant within a period of four months positively. Default will invite interest @ 8% per annum till actual payment. With the aforesaid direction, Original Application is **disposed off** finally. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 570 of 2021

Ex. JWO Pradeep Kumar Bajpai 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
	23.03.2022 **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 Suyash Bajpai and Shri Alok Srivastava, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents are present. Respondents have not filed counter affidavit rather they have again sought time for the same on the premise that parawise comments are still awaited. Their learned counsel submits that file pertaining to applicant is not available in the office of OIC Records, it has gone to officer who is dealing with statutory appeal which has been preferred by the applicant. He further submits that it would not be possible for the OIC Records to send parawise comments unless file is received back in the office. The statutory appeal for which disposal applicant's file has been sent to the concerned officer had been preferred in the year 2020. It shows great slackness on the part of the concerned officer. The officer is directed to decide the statutory appeal within three weeks from today and return the file to the office of OIC Records so that parawise comments may be provided by the OIC Records and counter affidavit may be filed and O.A. may be decided. In default it would be presumed as if respondents knowingly do not want to decide the statutory appeal nor they want that O.A. be decided and in that case O.A. would be decided in absence of counter affidavit. AFT Legal Cell is directed to communicate this order to the officer concerned for which copy of order be immediately provided to it. List on **11.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 585 of 2021

Ex. LAC Amit Dwivedi 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present. Counter affidavit filed by the respondents is taken on record. Rejoinder affidavit, if any, may be filed within a week. List on **07.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 589 of 2021

Ex. Sub. Varghese Job 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
	23.03.2022 **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 Kaushik Chatterjee, Ld. Counsel for the respondents are present. As prayed by learned counsel for the respondents and as a last chance, a week further time is granted to file counter affidavit. List on **04.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 655 of 2021

Ex. Sep. Kalicharan Thakur 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
	23.03.2022 **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 Gyan Singh Chauhan and Shri K.B. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that he has received parawise comments day before yesterday only, therefore, two weeks further time be granted to file counter affidavit which is allowed. List on **05.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 666 of 2021

Ex. Nk. Hira Lal 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
	23.03.2022 **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 R.K.S. Chauhan, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that he has received parawise comments, therefore, two weeks further time be granted to file counter affidavit which is allowed. List on **06.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 791 of 2021

Rect. Gaurav 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
	23.03.2022 **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 Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present. Counter affidavit filed by the respondents is taken on record. Learned counsel for the applicant prays for and is granted two weeks time to file rejoinder affidavit. List on **05.05.2022** for hearing. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 792 of 2021

Ex. Nk. Hukam 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
	23.03.2022 **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.K.S. Chauhan, Ld. Counsel for the respondents and Shri Rajeev Tiwari, AO, PCDA (P), Prayagraj. In regard to grievance raised in Original Application, learned counsel for the respondents submits that the same has been redressed by the respondents and PPO has been generated on 11.02.2022. Thus, he submits that since grievance raised in application has been redressed, application may be dismissed being infructuous. Learned counsel for the applicant submits that applicant was serving in 'X' group and was discharged from service in low medical category on 30.11.2003 (AN). The applicant was granted disability pension from the date of discharge from service vide this Tribunal's order dated 10.05.2012 passed in O.A. No. 395 of 2011 but the PPO granting disability pension to the applicant has been issued in 'Y' Group and since then applicant is being paid disability pension of 'Y' group instead of 'X' group. Since, the PPO showing the applicant in 'X' group has been issued on 11.02.2022 after a gap of approx 10 years and nothing has been mentioned in the PPO with regard to interest on delayed payment of arrears, applicant deserves for interest atleast @ 8% per annum on delayed payment. A copy of PPO has been produced before us for perusal. We have perused the PPO and we find that Corrigendum PPO has been issued in terms of the grievance raised in application; however, nothing is mentioned in the PPO with regard to interest on delayed payment of arrears which is issued after a period of 10 years.

	Accordingly, we deem it proper to grant interest to the applicant on delayed payment of arrears. The respondents are directed to pay simple interest @ 6% per annum on delayed payment of arrears of disability pension to the applicant within a period of four months. Default will invite interest @ 8% per annum till actual payment. With the aforesaid direction, Original Application is **disposed off** finally. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 797 of 2021

Ex. Hony. Nb. Sub. Ramesh Singh Chauhan 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents No. 1 to 4 and Shri Shri Avdhesh Shukla, Ld. Counsel for the respondents No. 5 & 6 are present. A short affidavit has been filed today by the respondents No. 5 & 6 which is taken on record. Learned counsel for the applicant prays for a week time to file reply/rejoinder affidavit which is allowed. List on **13.04.2022**. Registry is directed to reflect name of Shri Avdhesh Shukla, Advocate as counsel for respondents No. 5 & 6 when the case is next listed. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 820 of 2021

Hav. Krishna Kant Pandey 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** On the case being taken up for hearing Shri K.P. Datta, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present. Learned counsel for the applicant submits that applicant has retired from service during pendency of application for which some amendment is required in O.A., therefore, some time be given to file amendment application. Amendment application may be filed within two weeks. List on **27.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 821 of 2021

Ex. ACP Nb. Sub. Manendra 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
	23.03.2022 **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 Girish Tiwari, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present. Counter affidavit filed by the respondents and rejoinder affidavit by the applicant are taken on record. In regard to leave encashment applicant has raised two claims in the Original Application. The first claim is for Rs. 13942/- for the period from 28.05.2015 to 26.06.2015 and the second is for Rs. 13,848/- for the period from 29.03.2015 to 17.04.2015. In regard to claim No. 1 the respondents in counter affidavit have stated that this claim has been cleared and payment has been made. As regards 2nd claim of Rs. 13,848/- nothing has been said rather counter affidavit is silent on this. Learned counsel for the respondents is therefore, directed to seek instructions in regard to 2nd claim within two weeks. List on **18.04.2022.** **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 822 of 2021

Ex. Sep Pyare Lal 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
	23.03.2022 **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 Wg. Cdr SN Dwivedi (Retd), Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present. Learned counsel for the respondents submits that counter affidavit is under preparation and may be filed within ten days. List on **07.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 824 of 2021

Ex. Laskar Sunil 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
	23.03.2022 **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, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present. As prayed, two weeks further time is granted to file counter affidavit. List on **27.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 839 of 2021

Ex. Nk Avnesh 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
	23.03.2022 **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 Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents are present. As prayed, two weeks further time is granted to file counter affidavit. List on **19.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 842 of 2021

Nk ORA Sardar Raja 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
	23.03.2022 **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 Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present. As prayed, three weeks further time is granted to file counter affidavit. List on **12.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 853 of 2021

Ex. Nk Roop Chand Kuril 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
	23.03.2022 **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 Kaushik Chatterjee, Ld. Counsel for the respondents. This Original Application has been filed to grant service pension to the applicant stating that short fall of five months and eighteen days in minimum qualifying service of 15 years is condonable in view of Govt. of India, Ministry of Defence policy letter No. 4684/DIR(PEN)/2001 dated 14.01.2001 and Regulation 44 of the Pension Regulations for the Army, 2008 (Part-1). On 10.01.2022, when O.A. was taken up for hearing, the respondents were asked to verify the facts relating to short fall of minimum qualifying service within two weeks. Respondents have failed to verify the fact rather have again sought time for the same. Respondents to verify the facts within two weeks from today. In default no further time will be given rather believing the facts stated in O.A. to be true the O.A. would be disposed off. List on **12.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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) 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
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** In view of order dated 02.03.2022, respondent No. 5 has been deleted from the array of parties. Heard Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Ms. Deepti P Bajpai, Ld. Counsel for the respondents. The points raised in O.A. needs consideration, therefore, O.A. is admitted for hearing. Learned counsel for the respondents seeks and is allowed four weeks time to file counter affidavit. In regard to Interim Relief, objection, if any, may be filed within two weeks. List on **27.04.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

T.A. No. 1 of 2022 with M.A. No. 215 of 2022

Wg. Cdr Peter Carl Francis 'D'Souza (Retd) **Petitioner**
By Legal Practitioner for the Petitioner

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.03.2022 **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 Anurag Tyagi, Ld. Counsel for the petitioner and Shri Pushpendra Mishra, Ld. Counsel for the respondents. By means of this application, applicant prays to amend relief clause of the O.A. It is stated that order dated 04.03.2004 passed by Directorate of PP & R, Air Headquarters, New Delhi, i.e. respondent No. 4 was left to be sought to be quashed in the O.A. at the time of drafting. Apart from this, certain amendments have been sought in the O.A. also. It is also stated that copy of order dated 04.03.2004 has already been filed alongwith O.A. as Annexure A-2. Learned counsel for the respondents has opposed the prayer. Upon hearing submissions of both sides, we find that nature of O.A. would not change, if the amendment is allowed, therefore, amendment application is allowed. Let amendment be incorporated within three days. Thereafter, counter affidavit may be filed within four weeks. List on **06.05.2022**. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

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

O.A. No. 138 of 2016

VK Prajapati & Ors 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
	23.03.2022 **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 nor there is any mention to pass over the case. Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents alongwith Shri Ashish Kumar Saw, AAO, JCDA Air Force, New Delhi is present. Accordingly, Original Application is dismissed for non prosecution. **(Vice Admiral Abhay Raghunath Karve)** **(Justice Umesh Chandra Srivastava)** **Member (A)** **Member (J)** SB

By Circulation

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

R.A. No. 30 of 2022 with M.A. No. 195 of 2022 Inre O.A. No 35 of 2021

Ex Sep Ram Pal Applicant

Versus

Union of India and Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	23.03.2022 **Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)** **Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)** The file has been placed before us by Circulation. 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 Review Application, however, an application for condonation of delay has been moved which being not required is **dismissed**. The applicant has filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review and setting aside the judgement and order dated 20.12.2021 of this Tribunal passed in Original Application No. 35 of 2021 *inter alia* on the ground that impugned order was passed without hearing learned counsel for the applicant. Paras 12 and 13 of the order being relevant are reproduced reads as under:- *12. Coming to the facts of the present case, it is no longer in dispute that the applicant was discharged from DSC service being involved in criminal case under Section 302 IPC. He was tried by General Court Martial (GCM) and awarded punishment of dismissal from service and life imprisonment. He filed petition against punishment awarded by GCM and his petition was allowed and conviction and sentence of the applicant including sentence of dismissal from service was set aside. The applicant was acquitted. By way of clarification, it may be added that in the order dated 08.10.2012 passed by this Tribunal, no order for grant of back wages was passed. The respondents in their reply have clear cut stated that applicant is not entitled salary for the period he was in jail. The stand of the applicant that he is entitled salary for the period he was in jail is not legally tenable and wrong and is liable to be rejected. We do not find any lacuna in the procedure adopted by the respondents in not granting the salary to the applicant for the period, applicant was in jail.*

13. Consequently, the application being devoid of merit is liable to be dismis

Resultantly, O.A. is dismissed."

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

"*1. Application for review of judgment.- (1) any person considering himself aggrieved-*

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

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

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

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

In the result, Review Application is **rejected.**

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

ukt/-