

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

R.A. No. 85 of 2022 with M.A. No. 988 of 2022

Union of India & Others
By Legal Practitioner for the Applicants

Review Applicants

Versus

Ex. Hav. Kailash Chandra Behera
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">The file has been placed before us by Circulation.</p> <p><u>M.A. No. 988 of 2022</u></p> <p>For the reasons stated in affidavit filed in support of delay condonation application, delay of 05 months and 20 days in filing of Review Application is condoned. Delay condonation application stands disposed off accordingly.</p> <p><u>R.A. No. 85 of 2022</u></p> <p>The Review Applicants have filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicants have prayed for review and setting aside the judgement and order dated 17.12.2021 of this Tribunal passed in Original Application No.559 of 2021 <i>inter alia</i> on the ground that the Tribunal did not consider the matter of fact that disability of the respondent i.e. 'CNS (INV) GENERALISED SEIZURE' has been regarded as 30% for two years by RMB and in view of Government Policy letter dated 19.05.2017 the individual is entitled to disability element with effect from 01.01.2006 only being a pre-mature retirement, if his disability is conceded as attributable to military service. The order reads as under:-</p> <p style="text-align: center;"><i>"In view of the above, the Original Application No. 550 of 2021 deserves to be allowed, hence, allowed. The impugned orders, rejecting the applicant's claim for grant of disability element of disability pension, are set aside. The disability of the applicant is held as aggravated by military service. The applicant is entitled to get disability element of disability pension @30% for two years from the next date of discharge of the applicant i.e. 31.07.1994. The respondents are directed to grant disability element to the applicant @30% for two years from the next date of his discharge. The respondents are further directed to conduct a Re-Survey Medical Board for the applicant to assess his further entitlement of disability pension. Respondents are further directed to give effect to the order within four months from the date of receipt of a certified copy of this order failing which the respondents shall have to pay interest @ 8% per annum till the date of actual payment."</i></p>

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."

Further, the Hon'ble Supreme Court in Para 26 of its judgment in the case of ***S. Madhusudhan Reddy Versus V. Narayana Reddy and Others***, Civil Appeal Nos. 5503-04 of 2022, decided on 18.08.2022, has observed as under :-

"26. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court,

however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason sufficient on grounds, at least analogous to those specified in the rule”

In the light of the legal position crystalized above, 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
E-Court

O.A. No. 777 of 2022

Smt. Beena Dubey W/o Ex. Sub/Pharma M.K. Dubey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Heard Shri Dharmesh Sinha, Shri Krishna Kumar Seth and Shri Devdutt Prakhar , Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed against the findings and conviction recorded by the General Court Martial by which applicant has been sentenced to suffer three years rigorous imprisonment besides being dismissed from service.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that findings of conviction and sentence recorded by the General Court Martial are bad in law.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that Original Application has been filed without exhausting remedies available to the applicant under the Army Act, 1950 i.e. pre and post confirmation petitions. The findings recorded by the General Court Martial have not been confirmed by the competent authority.</p> <p style="text-align: center;">Case needs adjudication. Admit.</p> <p style="text-align: center;">Respondents may file reply to Original Application and interim relief within four weeks. Rejoinder Affidavit, if any, may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List the matter before Registrar on 23.11.2022 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 21.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 779 of 2022

Ex. Sgt. M.D. Mumtaj Alam
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Deepak Kumar and Shri Vishal Saxena , Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed against the order passed by the respondents whereby applicant has been dismissed from service.</p> <p>Ld. Counsel for the applicant submits that order of dismissal from service has been passed based on the report of the Internal Complaint Committee without holding proper due inquiry in the matter.</p> <p>Ld. Counsel for the respondents submits that applicant has been dismissed from service after following due procedure.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 23.11..2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 22.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 780 of 2022 with M.A. No. 965 of 2022

Ex. Sub. (Hony. Sub. Maj.) Shyam Narain Prasad By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-indent:40px">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.</p> <p style="text-indent:40px">Heard Shri Rohit Kumar , Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-indent:40px">This Original Application has been filed for the grant of disability pension.</p> <p style="text-indent:40px">There is a delay of 03 years, 07 months and 02 days in filing of Original Application.</p> <p style="text-indent:40px">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 780 of 2022</u></p> <p style="text-indent:40px">Matter needs adjudication.</p> <p style="text-indent:40px">Admit.</p> <p style="text-indent:40px">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-indent:40px">List the matter before Registrar on 23.11.2022 for exchange of pleadings.</p> <p style="text-indent:40px">List the matter before Tribunal on 22.12.2022.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 781 of 2022

Ex. Sep./MT Rajesh Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondent Nos. 1 to 4 is taken on record. His name be shown as Counsel for the respondent Nos. 1 to 4 when the case is listed next.</p> <p>Heard Mohd. Zafar Khan , Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 4.</p> <p>This Original Application has been filed against order dated 20.03.2022 passed by the respondent Nos. 1 to 4 by which applicant has been dismissed from service.</p> <p>Ld. Counsel for the applicant submits that respondent Nos. 1 to 4 has dismissed from service arbitrarily.</p> <p>In the Original Application Subedar Tulsi Das Patel has been made as respondent No. 5 and it is stated about him that applicant was harassed by him in connivance with the remaining respondents. However, it is an admitted fact that respondent No. 5 had no role in the dismissal of the applicant as this was done by the respondent Nos. 1 to 4. This seems that respondent No. 5 has wrongly arrayed in the Original Application and needs to be deleted.</p> <p>Applicant is directed to delete the name of respondent No. 5 from the Original Application.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Issue notice to respondent Nos. 1 to 4.</p> <p>Shri Ashish Kumar Singh, has accepted notice on behalf of respondent Nos. 1 to 4, hence, service of notice is waived.</p> <p>Counter Affidavit on behalf of respondent Nos. 1 to 4 may be filed within four weeks. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 23.11.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 22.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 783 of 2022 with M.A. No. 967 of 2022

Ex. Gnr. Hari Prasad Lohar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ashesh Agnihotri, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Prakhar Kankan and Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 49 years, 05 months and 18 days in filing of Original Application.</p> <p>Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not intentional. His further submission is that the onset of disability 'EPILEPSY' was during active military service while serving at FSC under OP SAVAGE in Eastern Command. His further submission is that the applicant was engrossed in upbringing of his family and due to his poor financial condition and COVID he could not approach this Tribunal.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and submitted that long delay of more than 49 years has not been properly and satisfactorily explained. Being non-pensioner, original documents pertaining to the applicant have been destroyed as per rules.</p> <p>Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay in filing Original Application is not sufficient. It is settled in law that if time limit is given for filing any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.</p> <p>In the result, we find that delay is not condonable.</p> <p>Accordingly, delay condonation application is rejected.</p> <p>Original Application being time barred is also rejected.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 784 of 2022 with M.A. No. 968 of 2022

Ex. Hav. (MACP III) Inder Singh Negi
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Shri K.K. Singh Bisht , Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of disability pension.</p> <p style="text-align: justify;">There is a delay of 01 month and 02 days in filing of Original Application.</p> <p style="text-align: justify;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 784 of 2022</u></p> <p style="text-align: justify;">Matter needs adjudication. Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List the matter before Registrar on 23.11.2022 for exchange of pleadings.</p> <p style="text-align: justify;">List the matter before Tribunal on 22.12.2022.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(Justice Umesh Chandra Srivastava) 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. 785 of 2022

Ex. Nk. Sandeep Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Jai Narayan 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.</p> <p>Heard Shri K.K. Singh Bisht , Ld. Counsel for the applicant and Shri Jai Narayan Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</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 23.11.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 22.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 787 of 2022 with M.A. No. 977 of 2022

Maj. J. Belwal
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align:justify">Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 977 of 2022</u></p> <p style="text-align:justify">This Original Application has been filed praying condonation of delay 16 years 23 days delay in filing of Original Application.</p> <p style="text-align:justify">It is submitted by the Ld. Counsel for the applicant that pensionary benefits cannot be denied on the ground of delay.</p> <p style="text-align:justify">Contrarily Ld. Counsel for the respondents submits that matter involved in the Original Application is not pensionary matter, rather it is for the grant of substantive rank of Lt. Col. (TS), therefore, limitation is applicable. He prays for and is granted two weeks time to file objection against delay condonation application.</p> <p style="text-align:justify">List on 11.11.2022.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 789 of 2022

Hav. Suryawanshi Swapnil Santosh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Narendra Kumar Mishra, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed against the order of District Court Martial by which plea of bar taken by the applicant negated by the District Court Martial.</p> <p>Shri Narendra Kumar Mishra, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant submits that petition filed against the order of District Court Martial rejecting plea of bar is maintainable.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 23.11.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 22.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 790 of 2022 with M.A. No. 983 of 2022

Col. Sanjay Srivastava (Retd.)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>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.</p> <p>Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 22 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 790 of 2022</u></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 23.11.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 22.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 791 of 2022

Ex. JWO Pavan Kumar Sahu
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Ms. Perna Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Ved Prakash Pandey and Shri D.K. Dixit, Ld. Counsel for the applicant and Ms. Perna Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</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 23.11.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 22.12.2022.</p> <p>Name of Shri D.K. Dixit, Advocate be also shown as Counsel for the applicant when the case is listed next.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 312 of 2022 Inre : O.A. No. 495 of 2022

Ex. Capt. Alok Kumar Gupta
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Ms. Anju Singh, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">This application has been filed for implementation of order dated 08.02.2022 of this Tribunal in Original Application No. 495 of 2022.</p> <p style="text-align: center;">It is a fresh Execution Application.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p style="text-align: center;">List on 24.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 313 of 2022 Inre : O.A. No. 338 of 2021

Ex. Sgt. Jayant Kumar Singh By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Ms. Deepti Prasad Bajpai, Advocate on behalf of the respondent Nos. 1 to 4 is taken on record. Her name be shown as Counsel for the respondent Nos. 1 to 4 when the case is listed next.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondent Nos. 1 to 4 are present.</p> <p style="text-align: center;">This application has been filed for implementation of order dated 02.12.2021 of this Tribunal in Original Application No. 338 of 2021.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that although in compliance of the order PPO has been issued by the respondent Nos. 1 to 4, but no payment has been received by the applicant.</p> <p style="text-align: center;">Issue notice to respondent Nos. 5 and 6 (Bank) returnable within four weeks.</p> <p style="text-align: center;">Steps for notice be taken within a week.</p> <p style="text-align: center;">List on 18.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>
	AKD/-

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

Ex. A. No. 314 of 2022 Inre ; O.A. No. 283 of 2020

Ex. Sub. (Hony. Lt.) Bhuri 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><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 20.09.2021 of this Tribunal in Original Application No. 283 of 2020.</p> <p>It is a fresh Execution Application.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p>List on 24.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p style="text-align: left;"><small>AKD/-</small></p>

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

Ex. A. No. 315 of 2022 Inre : O.A. No. 634 of 2021

Ex. WO Shwet Bhan 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><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Somesh Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">On the case being taken up for hearing Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">This application has been filed for implementation of order dated 21.05.2022 of this Tribunal in Original Application No. 634 of 2021.</p> <p style="text-align: justify;">Ld. Counsel for the applicant submits that order has not been complied with yet.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p style="text-align: center;">List on 24.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 971 of 202 with M.A. No. 972 of 2022 Inre : O.A. No. 315 of 2018

Union of India & Others By Legal Practitioner for the Applicants	Applicants
Versus	
Sgt. Anand Kumar Yadav By Legal Practitioner for Respondent	Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Dr. Shailendra Sharma Atal, Ld. Counsel for the applicants – Union of India & others.</p> <p style="text-align: center;">For the facts averred in affidavit filed in support of delay condonation application, delay of 04 months and 18 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off.</p> <p style="text-align: center;">This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007.</p> <p style="text-align: center;">Upon hearing submissions of Ld. Counsel for the applicants – Union of India and Others, we find that no much or less point of law of general public importance involved for grant leave to appeal.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 973 of 202 with M.A. No. 974 of 2022 Inre : O.A. No. 444 of 2019

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. MWO Hari Narayan Shukla
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Ramesh Chandra Shukla, Ld. Counsel for the applicants – Union of India & others.</p> <p style="text-align: center;">For the facts averred in affidavit filed in support of delay condonation application, delay of 05 months and 18 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off.</p> <p style="text-align: center;">This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007.</p> <p style="text-align: center;">Upon hearing submissions of Ld. Counsel for the applicants – Union of India and Others, we find that no much or less point of law of general public importance involved for grant leave to appeal.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 978 of 2022 with M.A. No. 979 of 2022
Inre : O.A. No. 586 of 2022 with M.A. No. 694 of 2022

Ex. Cpl. Chandra Bhushan Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">Memo of Appearance filed by Shri Kaushik Chatterjee, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align:justify">Heard Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align:justify">For the facts averred in affidavit filed in support of delay condonation application, delay of 17 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off.</p> <p style="text-align:justify">This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal.</p> <p style="text-align:justify">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align:right">(Justice Umesh Chandra Srivastava) 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. 981 of 2022 with M.A. No. 982 of 2022 Inre : O.A. No. 688 of 2021

Union of India & Others By Legal Practitioner for the Applicants	Applicants
Versus	
Ex. Ni. Neerpal Singh By Legal Practitioner for Respondent	Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify;">Heard Shri Rajeev Narayan Pandey, Ld. Counsel for the applicants – Union of India & Others.</p> <p style="text-align:justify;">For the facts averred in affidavit filed in support of delay condonation application, delay of 05 months and 19 days in filing of Leave to Appeal is condoned. Delay condonation application stands disposed off.</p> <p style="text-align:justify;">This is an application for leave to appeal under Section 30 read with Section 31 of the Armed Forces Tribunal Act, 2007. After perusing the orders impugned, we find that no much or less point of law of general public importance involved for grant leave to appeal.</p> <p style="text-align:justify;">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align:center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

R.A. No. 56 of 2022 with M.A. No. 625 of 2022 Inre : O.A. No. 441 of 2021

Ex. Sep. Ram Milan Sharma
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Mohd. Zafar Khan, Advocate has appeared on behalf of respondent Nos. 5 and 6 and filed Vakalatnama, which is taken on record.</p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant, Shri Rajesh Shukla, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p>In application for condonation of delay words "leave to appeal" have been mentioned in place of Review Application due to typographical error which needs correction.</p> <p>Applicant is directed to correct the same.</p> <p>Ld. Counsel for the respondent Nos. 5 and 6 prays for and is granted two weeks to file objection against delay condonation application.</p> <p>Respondent Nos. 1 to 4 may also file objection, if any, within the aforesaid period.</p> <p>List on 11.10.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 504 of 2022 with M.A. No. 959 of 2022

Ex. Hav. Nahar 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><u>23.09.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p><u>M.A. No. 959 of 2022</u></p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p>By means of this application applicant seeks permission to amend better particulars in the column of respondent No. 3 to which respondents have no objection.</p> <p>Accordingly, amendment application is allowed.</p> <p>Let amendment be incorporated during the course of the day.</p> <p>No Counter Affidavit has been filed.</p> <p>Respondents may file Counter Affidavit within four weeks.</p> <p>List on 14.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>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><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">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 style="text-align: center;">Applicant has filed application seeking amendments in the Original Application as well as in the relief clause.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that he has filed this application in view of observation made in the Tribunal's order dated 11.07.2022.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that copy of amendment application has not been served to him. He has received copy of early hearing application only.</p> <p style="text-align: center;">Let copy of amendment application be served to Ld. Counsel for the respondents by today.</p> <p style="text-align: center;">Respondents may file objection, if any, against the amendment application within a week.</p> <p style="text-align: center;">List on 07.10.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Diary No. 2658 of 2022

Ex. Sgt. Dhupesh Gupta
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ram Sharan Awasthi, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Shri Kapil Sharma and Shri Bipin Kumar Sharma, Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents are present.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>Ld. Counsel for the applicant submits that applicant's claim for the grant of disability pension has been denied by the respondents vide letter dated 03.12.2021. Against this order applicant has preferred First Appeal to the competent authority which the competent authority has not decided within given period of six months, hence, this Original Application has been filed.</p> <p>He further submits that denial of pension is continuing wrong in which law of limitation is not applicable.</p> <p>Ld. Counsel for the respondents submits that as per office note there is a delay of six days in filing of Original Application, however, no application has been filed for condonation of delay.</p> <p>Considering the submission of Ld. Counsel of both sides and also that denial of pension is continuing wrong, delay if any, in filing of Original Application is condoned.</p> <p>Let Original Application be registered.</p> <p><u>O.A. No. 802 of 2022</u></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List the matter before Registrar on 23.11.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 22.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 662 of 2022 with M.A. No. 830 of 2022

Ex. L Nk/Dtmn. Ravindra Prakash Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 830 of 2022</u></p> <p style="text-align: center;">This application has been filed praying condonation of delay of 31 years and 18 days in filing of Original Application.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that delay in filing of Original Application is not deliberate.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that since the delay is of more than 31 years, applicant being non-pensioner, original documents may have been destroyed, two weeks time be given to file objection against delay condonation application, which is allowed.</p> <p style="text-align: center;">List on 15.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 757 of 2022 with M.A. No. 926 of 2022

Ex. Hav. Ajant 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><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Rajiv Narayan Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 926 of 2022</u></p> <p>This application has been filed for condonation of delay of 25 years, 01 month and 25 days in filing of Original Application.</p> <p>Ld. Counsel for the applicant submits that for the services rendered in the Army applicant is receiving service pension. Applicant was discharged in low medical category and his claim for grant of disability pension was processed which was denied by the respondents on the premise that disability is not attributable to military service. He submits that respondents have wrongly denied the claim for the grant of disability pension.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 757 of 2022</u></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 24.11.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 21.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 758 of 2022

Ex. Sigm. Devraj Singh Bhadoriya
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Ashok Kumar and Shri Pramod Kumar Tripathi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is no delay in filing of Original Application.</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 24.11.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 21.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 256 of 2022 Inre : O.A. No. 195 of 2021

Smt. Laxmi Kandari W/o Hav. Sohan Singh (Missing) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 24.09.2021 of this Tribunal in Original Application No. 195 of 2021.</p> <p>Ld. Counsel for the respondents prayed for and is granted four weeks time to file affidavit of compliance.</p> <p>Registry is directed to reflect the name of Shri Amit Jaiswal as Counsel for the respondents when the case is listed next.</p> <p>List on 23.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 261 of 022 Inre : O.A. No. 100 of 2020

Ex. Nb. Sub. Shyam Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Shyam 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>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 assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>This application has been filed for implementation of order dated 28.07.2021 of this Tribunal in Original Application No. 100 of 2020.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Ld. Counsel for the applicant submits that he has received the copy of affidavit of compliance and he needs a week time to file objection, if any, which is allowed.</p> <p style="text-align: center;">List on 14.10.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 302 of 2022 Inre : O.A. No. 256 of 2020

Smt. Haruli Devi W/o Late Ex. Sep. Ram Prasad
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Shri Rajesh 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.</p> <p style="text-align: center;">On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">This application has been filed for implementation of order dated 30.11.2021 of this Tribunal in Original Application No. 256 of 2020.</p> <p style="text-align: center;">It is a fresh Execution Application.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction and to file affidavit of compliance.</p> <p style="text-align: center;">List on 23.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 81 of 2019 Inre : O.A. No. 236 of 2018

Ex. Hav. (Hony. Nb. Sub.) Phool Chand
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 3 are present.</p> <p>Report regarding service of Bailable Warrant has not been received so far.</p> <p>Wait.</p> <p>List on 14.11.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

T.A. No 851 of 2010

Samimuddin

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri R Chandra, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents and perused the documents available on record.</p> <p>T.A. No. 851 of 2010, Samimuddin, vs. Union of India and others is dismissed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

O.A. No 796 of 2021

Smt Chandravati Devi By Legal Practitioner for the Applicant	Versus	Applicant
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri DS Tiwari, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents and perused the documents available on record.</p> <p>O.A. No. 796 of 2021, Smt Chandravati Devi, vs. Union of India and others is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>UKT/-</p>

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

Ex. A. No. 107 of 2021 Inre : O.A. No. 104 of 2016

Smt. Pankaj 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><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Dharam Raj Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Maj Tarun Pillai, OIC Legal Cell submits that case file has been sent to PCDA (P) Allahabad for issuance of PPO.</p> <p>Shri RK Tiwari, Account Officer, PCDA (P), Allahabad submits that case file of the applicant has not been received by the office of PCDA (P) Allahabad, therefore four weeks further time be granted to file compliance report.</p> <p>Compliance report be filed within four weeks annexing copy of the PPO.</p> <p>List on 21.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 32 of 2022 Inre : O.A. No. 571 of 2020

Ex. Hav. Yogesh Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that Corrigendum PPO has been issued on 05.09.2022. She is directed to bring PPO on record within two weeks after serving its copy to learned counsel for the respondents.</p> <p>List on 02.11.2022.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 78 of 2022 Inre : O.A. No. 479 of 2018

Nk. (TS) Mistar Singh (Retd.)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>On 05.08.2022, it was submitted by the Departmental Representative that Director PS 4 Integrated Headquarters of Min of Def, New Delhi is processing agency. Concerned authority for compliance of order is Principal Financial Advisor, Integrated Headquarters of Min of Def, New Delhi with whom the case file is pending for grant of sanction.</p> <p>Registry is directed to issue notice to Financial Advisor, Integrated headquarters of Min of Def, New Delhi directing him to remain present in Tribunal on the next date fixed to explain the reasons for non compliance of the order as also why coercive action be not taken against him for non compliance.</p> <p>List after three weeks.</p> <p>List on 17.11.2022.</p> <p>Copy of this order be forwarded to Chief of Army Staff as well as Officer In-charge Legal Cell, for information and necessary direction.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.1 (E. Court)

O.A. No 826 of 2021

Ex Spr Ajay Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u></p> <p><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>This application has been filed by the applicant with the prayer to direct the respondents to allow him to join service and serve till completion of pensionable service after regularising absent period.</p> <p>Learned counsel for the applicant submitted that applicant was enrolled in the Army on 30.01.2005. In the year 2011 the applicant was posted to 103 Engineer Regiment, Nagrota (J & K). The unit moved to Jalandhar Cantt. The applicant was attached to Headquarters, Chief Engineer (AF), Western Air Command, Palam, Delhi Cantt. Applicant was further attached to 202 Counter Explosive Device Unit of the Bombay Engineer Group at Delhi Cantt. During this period the applicant was serving at the residences of senior officers of the unit. On 27.07.2015, the applicant was directed to return to the unit i.e. 103 Engineer Regt. At that time unit of the applicant moved to Field Area of Tenga Valley in Arunachal Pradesh. Applicant requested for leave due to accident of his father, but he was not granted leave. After recovery of his father, applicant went unit to join duty but he was not allowed. He and his family wrote number of letters to Commanding Officer to allow him to join duty</p>

but no reply was given. He has not received any letter from the unit for joining of duty otherwise he would have joined duty. Learned counsel for the applicant submitted that applicant has rendered more than 10 years of qualifying service. Govt of India, Min of Def has issued instructions to Commanding Officers from time to time regarding discharge of personnel having red ink entries. In policy letter dated 18.01.1988 issued by Min of Def, instructions have been issued that ***“Discharge from service consequent to four red ink entries is not a mandatory or legal requirement. In such cases, Commanding Officer must consider the nature of offences for which each red ink entry has been awarded and not be harsh with the individuals, especially when they are about to complete the pensionable service. Due consideration should be given to the long service, hard stations and difficult living conditions that the OR has been exposed to during his service, and the discharge should be ordered only when it is absolutely necessary in the interest of service”***. Competent authority shall ensure that when a candidate has completed 10 years of service, all efforts will be made to complete him pensionable service. In similar matters, various High Courts and Tribunal have granted relief to those applicants who have rendered more than 10 years of qualifying service and who were dismissed from service on account of absent without leave by notionally reinstating them in service and granted service pension. He cited AFT, Chennai Bench judgment passed in ***OA (A) No 166 of 2013, A Sudalai Muthu Vs Union of Indian & Others*** decided on 07.07.2014, wherein applicant was dismissed from service for absenting himself without leave. Hon’ble Tribunal set aside the punishment of dismissal. Further he cited AFT, Chennai Bench judgment passed in ***O.A. No 36 of 2015, Ex Sep B Gurumurthy Achari Vs Union of India*** decided on 14 June 2016, wherein applicant was awarded 5 red ink entries out of 12 years of service. Applicant was dismissed from service for absenting himself without leave. Hon’ble Tribunal allowed the application. Punishment of dismissal from service was changed into “discharge from service”. This Tribunal passed judgment in

OA No 260 of 2014, Ex Nk Bhaju Ram Prasad Vs Union of India & Others,

wherein applicant was awarded four red ink entries out of 14 years of service. The Tribunal passed order to reinstatement him in service with all consequential benefits. Learned counsel for the applicant prayed that in view of decisions of various Tribunals, lenient view be taken and respondents be directed to permit applicant to join duty and take a lenient view in regularizing absent period to enable the applicant to complete pensionable service.

On the other hand, learned counsel for the respondents submitted that applicant is a defaulter. He absented himself without proper leave and he was punished four times for absents without leave. Learned counsel for the respondents submitted that vide letter dated 01.04.2021, respondents informed him that if he wants to join duty, he may report to any nearest CMP unit or to his parent unit or Adm Bn, HQ Bombay Engr Group & Centre in terms of Army HQ letter dated 24 Dec 1999.

In the instant case, applicant was enrolled in the Army on 30.01.2005. He absented himself without leave on number of occasions. Finally he absented himself from unit on 01.09.2015. Considering the fact that applicant had been a habitual offender, we do not find merit in the plea of the learned counsel for the applicant that applicant was under treatment, hence he could not join duty. However, taking note of the fact that the applicant had put in more than 10 years of qualifying service and considering the routine nature of offence committed by the applicant as well as various judgments passed by the Tribunals, there is a case for giving some relief to the applicant by taking a lenient view. In para 7 of counter affidavit respondents have stated that applicant may join duty and report to nearest CMP unit or Adm Bn Headquarters Bombay Engineer Group & Centre.

In view of the above, with the consent of learned counsel of both the parties, applicant is directed to report to Adm Bn Headquarters Bombay Engineer Group & Centre within 20 days from today along with copy of this order. Respondents shall take him on strength and take action as per rule.

Keeping the length of service rendered by the applicant, respondents shall take a lenient view and allow him to join duty.

With the above directions, O.A. is disposed of finally.

Copy of this order be provided to Legal Cell for necessary compliance.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-

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

O.A. 252 of 2022

Ex. Hav. (MACP – III Nb. Sub. Gde) Itraj Lal Jatav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal		
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri R.C. Shukla, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted two weeks time to file supplementary counter affidavit.</p> <p style="text-align: center;">List on 18.11.2022.</p> <table style="width: 100%;"><tr><td style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p>AKD/-</p>	(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)
(Vice Admiral Abhay Raghunath Karve) Member (A)	(Justice Umesh Chandra Srivastava) Member (J)		

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

O.A. No. 280 of 2022

Ex. JWO Ram Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of learned counsel for the respondents a week's further time is granted to file counter affidavit as a last chance.</p> <p style="text-align: center;">List on 14.10.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 351 of 2022

Ex. Rifleman Laxman 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><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Raj Kumar Mishra and Lt. Col. Nidhikant Dhyan (Retd.), Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the respondents submits that counter affidavit is ready and he will file the same in the Registry within two days.</p> <p style="text-align: center;">List on 24.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 352 of 2022

Rifleman Chandra Mohan 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><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Raj Kumar Mishra and Lt. Col. Nidhikant Dhyani (Retd.), Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on 25.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 378 of 2022 with M.A. No. 427 of 2022

Ex. Cfn. Aryavir Tomar	Applicant
By Legal Practitioner for the Applicant	
Versus	
Union of India & Others	Respondents
By Legal Practitioner for Respondents	

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Chaudhary Narendra Singh and Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Objection to delay condonation application is taken on record. Copy of objection be given to learned counsel for the applicant by today. Applicant may file reply within two weeks.</p> <p style="text-align: center;">List on 17.11.2022.</p> <p style="text-align: justify;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J) </p> <p style="font-size: small;">AKD/-</p>

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

O.A. No. 388 of 2022

Sub. (Lab. Tech.) Mohd. Tariq Siddiqui (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
	<p><u>23.09.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Counter affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Learned counsel for the applicant prays for and is granted four weeks time to file rejoinder affidavit.</p> <p style="text-align: center;">List on 28.11.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 527 of 2022 with M.A. No. 640 of 2022

Cfn. Deepak Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R.K. Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>Objection on maintainability filed by the respondents is taken on record.</p> <p>Reply to objection be filed within two weeks.</p> <p>List on 03.11.2022 .</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 528 of 2022 with M.A. No. 641 of 2022

Cfn. Tej Prakash Sharma

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R.K. Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Objection on maintainability filed by the respondents is taken on record.</p> <p>Reply to objection be filed within two weeks.</p> <p>List on 03.11.2022 .</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 529 of 2022 with M.A. No. 642 of 2022

<p>Sep. Hemant Kumar By Legal Practitioner for the Applicant</p>	Versus	<p>Applicant</p>
<p>Union of India & Others By Legal Practitioner for Respondents</p>		<p>Respondents</p>

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri R.K. Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Objection on maintainability filed by the respondents is taken on record.</p> <p style="text-align: justify;">Reply to objection be filed within two weeks.</p> <p style="text-align: justify;">List on 03.11.2022 .</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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. 544 of 2022 with M.A. No. 660 of 2022

Ex. Rect. Makvana Takha Bhai Rana Bhai
By Legal Practitioner for the Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">On the case being taken up for hearing Col Ashok Kumar (Retd) and Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align:justify">Learned counsel for the applicant prays for and is granted a week's time to file reply to the objection on maintainability as well as delay in filing the O.A.</p> <p style="text-align:center">List on 04.11.2022.</p> <p style="display:flex; justify-content:center; gap:50px;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

T.A. No 41 of 2017

Sushil Kumar Rangawa
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Col Ashok Kumar (Retd) and Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 29.11.2022.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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

T.A. No 52 of 2017

Lt Dhirendra Tiwari (Retd)

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 21.11.2022.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) 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 601 of 2017

Patve Mohasin SK Salim
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Manoj Kumar Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on 30.11.2022.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 1515 of 2018 with M.A. No 1516 of 2018, R.A. No 46/2018
 alongwith Ex. A. No 133 of 2017 Inre T.A. No 1451 of 2010**

Union of India & Others
 By Legal Practitioner for the Applicant

Applicant

Ex Lance Dafedar Anil Kumar
 By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Jaiswal, Ld. Counsel for the applicant and Col Ashok Kumar (etd) and Shri Rohit Kumar, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 11.11.2022.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;"> (Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 463 of 2018

Smt Sepawali Ale
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-indent: 40px;">On the case being taken up for hearing Shri VR Chaubey holding brief of Shri BB Tripathi and Shri Akhilesh Kumar Sharma, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-indent: 40px;">Shri VR Chaubey, Advocate submits that learned counsel for the applicant is out of station and prays for adjournment of the case.</p> <p style="text-indent: 40px;">Case needs physical hearing.</p> <p style="text-indent: 40px;">List on 04.11.2022.</p> <p style="text-indent: 40px;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 247 of 2020

Ex Hav Sanjay Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 30.11.2022.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) 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 203 of 2021

Hav (Amb Asst) Rambalee
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Om Prakash Kushwaha and Shri KP Datta, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on 01.12.2022.</p> <p style="text-align: justify;">On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. (A) No 29 of 2021

Ex Nk Shankar Ingali

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey and Shri Prasoon Kumar Anjor, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on 02.12.2022.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align:center">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 633 of 2022

Nk Chef Sudhir Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Counter affidavit filed by the respondents is taken on record. Heard Col R.C. Dixit (Retd), Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p>Submission of learned counsel for the applicant is that applicant is required to be granted minimum three months period to prepare advance pension papers and to submit to Record Office to enable him to get his pensionary dues in time whereas applicant has been sent to Depot Company of Signals Centre for pension drill without completing his pension papers which is against the pension policy and natural justice.</p> <p>Learned counsel for the respondents submitted that only 21 days period is required to be provided to the applicant to attend discharge drill at Depot Company of Centre and before this applicant has to complete his pension documents within one month being in low medical category. He further submitted that applicant being in low medical category and due to non availability of sheltered appointment, his discharge order was issued vide order dated 11.06.2022, to be discharged from service w.e.f. 30.09.2022. On issue of discharge order, his name from Chef Mess Class-1 course was taken off vide Signals Records letter dated 15.07.2022. Hence, sufficient time was available with the applicant to complete his pension documents but he did not do so and now he is seeking additional time by filing present Original Application which is against the documentation procedure/pension policy.</p> <p>Having heard submissions of both sides and with the consent of learned counsel for the parties, Original Application is disposed off finally with direction to the respondents to allow the applicant to complete documentation exercise of pension papers within a period of two months and thereafter, grant service pension and pensionary dues/benefits to the applicant by issuing PPO accordingly.</p> <p>The respondents shall ensure compliance of the order positively within a period of two months from today.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 350 of 2022

Smt. Raj Kumari, W/o Ex. Sep. Ram Kumar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>23.09.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Submission of learned counsel for the applicant is that husband of the applicant was granted 50% disability pension for life vide PPO dated 13.08.2008, however the same has been discontinued unjustly and arbitrarily by the respondents since May 2017 without any intimation/reason. He pleaded to resume disability pension of husband of the applicant forthwith alongwith arrears and interest on arrears.</p> <p>In reply, learned counsel for the respondents submitted that husband of the applicant has already been granted disability pension @ 50% for life w.e.f. 18.04.2008 vide PCDA (P) Allahabad PPO dated 13.08.2008, however, onus to make payment of pension and carryout revision of the same rests with PDA and CPPC in terms of PCDA (P) Prayagraj Circular No. 596 dated 09.02.2018. Hence, no action is pending on the part of the respondents.</p> <p>Having heard submissions of both sides, we are of the view that applicant should approach to PDA of her husband for continuation of disability pension, if not yet resumed. Since, PDA/Bank is not a party in the Original Application, no direction can be issued to the PDA/Bank. However, Bank being responsible for discontinuation of disability pension of husband of the applicant, should intimate the reason of discontinuation of disability pension from May 2017 and advise applicant to complete formalities/action, if any default/failure of documentation on the part of husband of the applicant.</p> <p>Since grievance raised by the applicant seem to be redressed by the respondents and action, if any, pending with regard to continuation of disability pension has relevance with PDA/Bank concerned, Original Application has rendered infructuous.</p> <p>Accordingly, Original Application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

