

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

O.A. No. 378 of 2021 with M.A. No. 218 of 2022

Hav. Pranav 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>25.05.2022</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. 218 of 2022</u></p> <p>Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This application has been filed by the applicant seeking amendments in the pleadings and relief clause in the Original Application.</p> <p>It is submitted by Ld. Counsel for the applicant that applicant has filed the Original Application against order dated 05.03.2020 of the Chief of the Army Staff by which applicant has been granted ante-date seniority along with his batch mates along with consequential benefits without any effect to pay and allowances. It is further submitted that during pendency of Original Application applicant has been wrongfully discharged from service without granting him promotion to the rank of Havildar with effect from 01.01.2011 and subsequent promotion to the rank of Naib Subedar similarly to his batch mates, wherefore, amendments have become necessary to be brought on record.</p> <p>Ld. Counsel for the respondents has opposed the prayer on the plea that promotion to the rank of Havildar and Naib Subedar being based on different cause of action, if allowed by way of amendments then this will amount encouraging of plural remedies based on different causes of action which is not permissible. He submitted that plural remedies based on same cause of action are allowed in one Original Application, however, if the same are based on different causes of action, then they are not allowed.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering that proposed amendments are based on the reasons that applicant has been discharged during pendency of Original Application without granting him promotion to the rank of Havildar and then Naib Subedar despite his request for grant of ante-date seniority being allowed by the Chief of the Army Staff, the same is bad in law. We find that amendments which have</p>

been sought by the applicant are not based on different causes of action so that the same could be disallowed, but on the same cause of action which are allowed.

With the result, amendment application is allowed.

Let amendments be incorporated within a week after serving amended copy of Original Application to the Ld. Counsel for the respondents. Thereafter, Supplementary Counter Affidavit, if any, may be filed within four weeks.

List on **04.08.2022**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

O.A. No. 398 of 2021 with M.A. No. 397 of 2021 and M.A. No. 398 of 2021

Gnr. Birpal 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>25.05.2022</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 Dr. Abyhay Kant Upadhyay, Shri Karuna Kant Upadhyay and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">Since Larger Bench has been formed at Armed Forces Tribunal, Principal Bench, New Delhi for disposal of similar issues, therefore, the case is adjourned.</p> <p style="text-align: center;">List on 24.08.2022.</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
Court No.1

O.A. No. 136 of 2017

Jyoti 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>25.05.2022</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 Onkar Pandey, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Application is allowed with direction to the respondents for compassionate appointment.</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
Court No.1

O.A. No. 73 of 2018

Smt. Bobby Devi
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>25.05.2022</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 Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>Since larger Bench has been formed at Armed Forces Tribunal, Principal Bench, New Delhi for disposal of similar issues, therefore, the case is adjourned.</p> <p>List on 24.08.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>UKT/-</p>

