O.A. No. 51 of 2022

Ex. Sep. (MACP-II) Shailendra Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	07.04.0000
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Jai Narayan Mishra, Advocate on
	behalf of the respondents is taken on record.
	Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Jai
	Narayan Mishra, Ld. Counsel for the respondents.
	As per office note, there is no delay in filing Original Application,
	however, an application for condonation of delay has been moved which being
	not required is dismissed .
	Matter pertains for grant of disability pension.
	It is a fit case for adjudication.
	Admit.
	Ld. Counsel for the respondents seeks and is allowed four weeks time
	to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two
	weeks thereafter.
	List the matter before Registrar on 14.03.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 06.04.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW Court No.1 (E. Court)

O.A. No. 52 of 2022 with M.A. No. 71 of 2022

Ex. NK (Cook) Ayodhya Prasad Dubey By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

By Legal F	Practitioner for Respondents
Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Ms. Kavita Mishra, Advocate on behalf of the respondents is taken on record. Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents. The Original Application has been filed for grant of disability penson with delay of 12 years, 10 months and 13 days. Submission of learned counsel for the applicant is that it is a pensionary matter in which bar of limitation is not applicable. His further submission is that delay in filing Original Application is not deliberate, but for the reasons stated in affidavit filed in support of application. Per contra, learned counsel for the respondents submits that explanation of delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay. Considering that in pensionary matters bar of limitation is not applicable and grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.
	Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly. O.A. No. 52 of 2022 It is a fit case for adjudication. Admit. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter. List the matter before Registrar on 14.03.2022 for exchange of pleadings. List the matter before Tribunal on 06.04.2022.

(Vice Admiral Abhay Raghunath Karve) Member (A) AKD/-

(Justice Umesh Chandra Srivastava) Member (J)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (E. Court)</u>

O.A. No. 53 of 2022 with M.A. No. 72 of 2022

Ex. Hav. Balwant Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf
	of the respondents is taken on record.
	Heard Shri Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the
	applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.
	The Original Application has been filed for grant of disability pension with
	delay of 02 years and 13 days.
	Submission of learned counsel for the applicant is that it is a pensionary
	matter in which bar of limitation is not applicable. His further submission is that delay
	in filing Original Application is not deliberate, but for the reasons stated in affidavit filed
	in support of application.
	Per contra, learned counsel for the respondents submits that explanation of
	delay offered by the applicant is not sufficient as he has failed to offer day to day explanation of delay.
	Considering that in pensionary matters bar of limitation is not applicable and
	grounds stated in affidavit filed in support of delay condonation application are
	genuine and sufficient, delay is liable to be condoned.
	Accordingly, delay in filing application is condoned. Delay condonation
	application stands decided accordingly.
	O.A. No. 53 of 2022
	It is a fit case for adjudication.
	Admit.
	Ld. Counsel for the respondents seeks and is allowed four weeks time to file
	Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.
	List the matter before Registrar on 14.03.2022 for exchange of pleadings.

(Vice Admiral Abhay Raghunath Karve)

Member (A)

AKD/-

List the matter before Tribunal on **06.04.2022**.

(Justice Umesh Chandra Srivastava) Member (J)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW Court No.1 (E. Court)

O.A. No. 54 of 2022 with M.A. No. 73 of 2022

Ex. Nk. Inam Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

	respondents	
By Legal F	By Legal Practitioner for Respondents	
Notes of the Registry	Orders of the Tribunal	
	<u>27.01.2022</u>	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Memo of Appearance filed by Ms. Deepti Prasad Bajpai, Advocate on behalf	
	of the respondents is taken on record.	
	Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Ms. Deepti	
	Prasad Bjapai, Ld. Counsel for the respondents.	
	The Original Application has been filed for grant of disability pension with	
	delay of 16 years, 10 months and 01 day.	
	Submission of learned counsel for the applicant is that it is a pensionary	
	matter in which bar of limitation is not applicable. His further submission is that delay	
	in filing Original Application is not deliberate, but for the reasons stated in affidavit filed	
	in support of application.	
	Per contra, learned counsel for the respondents submits that explanation of	
	delay offered by the applicant is not sufficient as he has failed to offer day to day	
	explanation of delay.	
	Considering that in pensionary matters bar of limitation is not applicable and	
	grounds stated in affidavit filed in support of delay condonation application are	

grounds stated in affidavit filed in support of delay condonation application are genuine and sufficient, delay is liable to be condoned.

Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.

O.A. No. 54 of 2022

It is a fit case for adjudication.

Admit.

Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.

> List the matter before Registrar on 14.03.2022 for exchange of pleadings. List the matter before Tribunal on 06.04.2022.

(Vice Admiral Abhay Raghunath Karve) Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW Court No.1 (E. Court)

O.A. No. 55 of 2022 with M.A. No. 74 of 2022

Ex. Hav. Raghu Raj Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	27.01.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on
	behalf of the respondents is taken on record.
	Heard Shri V.K. Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant
	and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.
	The Original Application has been filed with delay of 11 years, 08 months
	and 13 days.
	Submission of learned counsel for the applicant is that it is a pensionary
	matter in which bar of limitation is not applicable. His further submission is that delay
	in filing Original Application is not deliberate, but for the reasons stated in affidavit filed
	in support of application.
	Per contra, learned counsel for the respondents submits that explanation of
	delay offered by the applicant is not sufficient as he has failed to offer day to day
	explanation of delay.
	Considering that in pensionary matters bar of limitation is not applicable and
	grounds stated in affidavit filed in support of delay condonation application are
	genuine and sufficient, delay is liable to be condoned.
	Accordingly, delay in filing application is condoned. Delay condonation
	application stands decided accordingly.
	O.A. No. 55 of 2022
	It is a fit case for adjudication.
	Admit.
	Ld. Counsel for the respondents seeks and is allowed four weeks time to file
	Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.
	List the matter before Registrar on 14.03.2022 for exchange of pleadings.
	List the matter before Tribunal on 06.04.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) Member (J)

Ex. A. No. 13 of 2022 Inre: O.A. No. 70 of 2021

Ex. Nk. Amit Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

	Orders of the Tribunal
the Registry	
Registry	
	27.01.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Ramesh Chandra Shukla,
	Advocate on behalf of the respondents is taken on record.
	On the case being taken up for hearing Shri V.K. Pandey, Ld. Counsel
	for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the
	respondents are present.
	It is a fresh Execution Application.
	Ld. Counsel for the respondents seeks and is allowed two weeks time
	to seek instructions in the matter.
	List on 22.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

Ex. A. No. 14 of 2022 Inre : O.A. No. 753 of 2020

Ex. Nb. Suib. Ramesh Chandra

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri K.C. Ghildiyal, Ld. Counsel for the applicant and Major Tarun Pillai, Departmental Representative for the respondents. It is a fresh Execution Application. Major Tarun Pillai, Departmental Representative seeks and is allowed two weeks time to seek instructions in the matter. List on 22.03.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 412 of 2021

Ex. Nk. Madan Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>27.01.2022</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Counter Affidavit filed by the respondents is taken on record.
	Heard Shri Pawan Bisht, Ld. Counsel for the applicant and Ms. Appoli
	Srivastava, Ld. Counsel for the respondents.
	Original Application is allowed .
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 447 of 2021

Ex. Sep. Ved Prakesh through wife Smt. Mithlesh Devi

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	27.01.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel
	for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	Ld. Counsel for the respondents submits that case be adjourned for a
	week to ensure that Counter Affidavit is filed in the matter.
	In view of above, list the matter on 08.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 533 of 2021

Ex. Sgt. Bramha Lal Sharma

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Abhishek Singh and Shri
	Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar
	Singh, Ld. Counsel for the respondents are present.
	As prayed by the Ld. Counsel for the respondents, three weeks
	further time is granted to file Counter Affidavit as a last chance.
	List on 09.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 534 of 2021

Hav. Dharmendra Kumar Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Vinay Pandey, Ld.
	Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the
	respondents are present.
	As prayed by the Ld. Counsel for the respondents, three weeks
	further time is granted to file Counter Affidavit as a last chance.
	List on 14.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 535 of 2021

Ex. Sep. Vijay Shankar Singh Yadava

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Shailendra Kumar Singh,
	Ld. Counsel for the applicant and Shri Jai Narayan Mishra, Ld. Counsel for the
	respondent Nos. 1 to 4 are present.
	Counter Affidavit has been filed today by the respondents Nos. 1 to 4,
	which is taken on record.
	Ld. Counsel for the applicant prays for and is granted two weeks time
	to file Rejoinder Affidavit.
	List on 14.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 581 of 2021

Ex. Sub. Maj. Sunil Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri A.K. Chaudhary and Shri
	Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld.
	Counsel for the respondents are present.
	Counter Affidavit filed by the respondents is taken on record.
	Ld. Counsel for the applicant prays for and is allowed a week time to
	file Rejoinder Affidavit.
	List on 10.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 663 of 2021

Ex. Sep. Rajveer Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present. As prayed by the Ld. Counsel for the respondents a week further time
	is granted to file Counter Affidavit.
	List on 07.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 813 of 2021 with M.A. No. 960 of 2021

Smt. Maya Devi W/o Late Prem Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	27.01.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	rion ble vice Admiral Abriay Ragiluliatii Raive, Member (A)
	On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel
	for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents are
	present.
	Shri Devesh Kumar, Ld. Counsel appearing on behalf of respondents
	submits that objection is ready and will be filed within a day and two.
	Let objection be filed within three days.
	List on 03.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 816 of 2021 with M.A. No. 963 of 2021

Brajesh Kumar & Others

Applicants

By Legal Practitioner for the Applicants

Versus

Union of India & Others

Respondents

Notes of	Orders of the Tribunal
the Registry	
	07.04.0000
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri V.K. Pandey and Shri
	Girish Tiwari, Ld. Counsel for the applicants and Shri Adesh Kumar Gupta, Ld.
	Counsel for the respondent Nos. 1 to 3 are present.
	Shri Adesh Kumar Gupta, Ld. Counsel appearing on behalf of
	respondent Nos. 1 to 3 prays for two weeks time to file Counter Affidavit which
	is allowed.
	No one appears on behalf of respondent Nos. 4 and 5 despite notice
	being served upon them. The Original Application shall proceed exparte
	against them.
	List on 15.02.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) Member (J)
	AKD/-

R.A. No. 54 of 2021 Inre : O.A. No. 16 of 2021

Union of India & Others

Applicants

By Legal Practitioner for the Applicants

Versus

Ex. Hav. Satish Kumar

Respondent

Notes of the	Orders of the Tribunal
Registry	
	27.04.2022
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Namit Sharma, Ld. Counsel for the applicants – Union of
	India & Others and Major Tejas Waghchoure, Department Representative.
	With the consent of Shri Namit Sharma, Ld. Counsel for the applicants
	- Union of India and Others and Major Tejas Waghchoure, Departmental
	Representative the second, third and fourth sentences of order dated
	21.09.2021 i.e. "No one is present on behalf of respondents nor the
	Counter Affidavit has been filed despite opportunity being granted time
	and again, "Major Tejas Waghchoure, Departmental Representative is
	present in the Court and he submits that para-wise comments have been
	submitted to the Ld. Counsel for the respondents twice i.e. on 24.05.2021
	and 23.07.2021" and "In the circumstances, the opportunity of filing
	Counter Affidavit is closed" be deleted and sentence "Counter Affidavit
	filed by the respondents is taken on record" be inserted.
	With the above, Review Application stands disposed off.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)
	AKD/-

O.A. No. 232 of 2010

Jagdish Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	27.01.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri S.K. Singh, Ld. Counsel
	for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are
	present.
	The matter needs physical hearing.
	List on 21.03.2022 for physical hearing.
	On the date fixed, learned counsel for the respondents shall produce
	original documents pertaining to the case for perusal of the Bench.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) Member (J)

O.A. No. 276 of 2018

Tejinder Singh Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Lalit Kumar, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present. A request has been made by learned counsel for the respondents that paper book of the case being not available, she is not in position to argue the case. She submits that paper book may receive to her within a week therefore, the case be adjourned. Considering the request, list the matter on 15.02.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 487 of 2018

Col Rajendra Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>27.01.2022</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Col HM Maheshwari (Retd),
	Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the
	respondents are present.
	The matter needs physical hearing.
	List on 22.03.2022 for physical hearing.
	On the date fixed, learned counsel for the respondents shall produce
	original documents pertaining to the case for perusal of the Bench.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 321 of 2019 with M.A. No. 19 of 2022

Applicant

Nb Sub (MP) Visarjan Singh Yadav By Legal Practitioner for the Applicant

Versus

Union of India & Others

SB

Respondents

Notes of the	Orders of the Tribunal
Registry	
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion ble vice Admiral Abriay Ragnanath Raive, Member (A)
	Heard Shri KP Datta, Ld. Counsel for the applicant and Shri Amit
	Jaiswal, Ld. Counsel for the respondents.
	By means of this application applicant wants to add relief of
	reinstatement in service in the prayer clause of the O.A. He wants to add
	certain other reliefs also.
	Learned counsel for the respondents has opposed the prayer on the
	ground that application has been filed in consonance with Criminal Procedure
	Code.
	After hearing submissions of both sides and contents of the O.A., we
	find that amendments may be allowed for the effective disposal of the O.A.
	Accordingly, amendment application is allowed.
	Let amendment be incorporated within a week.
	Thereafter, supplementary counter affidavit, if any, may be filed within a
	week.
	Rejoinder affidavit, if any, may also be filed within a week after time for
	filing of supplementary counter affidavit is over.
	List on 01.03.2022 .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) SB Member (A) Member (J)

O.A. No. 131 of 2020

Ex MCEARR II Neeraj Sharma

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the	Orders of the Tribunal
Registry	
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Om Prakash Duvel, Ld.
	Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the
	respondents are present.
	Learned counsel for the respondents submits that grievance raised in
	O.A. has been redressed by the respondents. He also submits that a short
	counter affidavit filed in this regard by the respondents be taken on record
	which is allowed.
	In Para 2 of short counter affidavit respondents have stated that PMT
	duty claim of the applicant has been passed by PCDA (N) for an amount of Rs.
	3,88,838/- vide Credit Intimation Memo No. 1111/2122 dated 27.04.2021. A
	copy of above letter has been filed alongwith counter affidavit.
	In view of the facts that grievance raised in O.A. has been redressed,
	application deserves to be dismissed being infructuous. Accordingly, Original
	Application is dismissed being infructuous.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 480 of 2020

Dharmendra Kumar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.
	Learned counsel for the applicant submits that rejoinder affidavit is available with him and he will file in the Registry during the course of day. List on 11.02.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 482 of 2020

Ex Gnr Kumar Pal Sarswat

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<u>27.01.2022</u>
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Adesh Kumar Gupta, Ld.
	Counsel for the respondents is present.
	A request has been made on behalf of Shri Om Prakash Kushwaha,
	learned counsel for the applicant to adjourn the case. Accordingly, the case is
	adjourned.
	List on 01.03.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 99 of 2021

Applicant

Ex Lady Cadet Nira ChaudharyBy Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal	
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing Dr. Shailendra Sharma Atal,	
	appears on behalf of the respondents and submits that counter affidavit filed by	
	the respondents be taken on record.	
	Counter affidavit is taken on record.	
	Rejoinder affidavit, if any, may be filed within two weeks.	
	List on 28.03.2022 for hearing.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	

O.A. No. 168 of 2021

Jyoti Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri GS Sikarwar, Ld. Counsel for the respondents is present.
	Shri Yashpal Singh, learned counsel for the applicant is reported to be
	out of station. List on 14.03.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 229 of 2021

Ex Lance Nk Ram Soorat Mishra

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Asheesh Agnihotri, Ld. Counsel for the respondents is present.
	Shri Yashpal Singh, learned counsel for the applicant is reported to be
	out of station. List on 14.03.2022 for hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

O.A. No. 646 of 2021

Ex Rect Sudhakar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present. Counter affidavit has been filed today by leaned counsel for the respondents which is taken on record.
	An application seeking amendment in O.A. has also been filed today by learned counsel for the applicant stating that 2 nd appeal preferred against the order of 1 st Appellate Committee has been dismissed during the pendency of O.A. He also submits that applicant wants to bring the fact relating to dismissal of 2 nd appeal in O.A., therefore, amendment be allowed. Considering that proposed amendments are based on subsequent
	events, the same are allowed. Let the amendment be incorporated by today itself. Thereafter, supplementary counter affidavit, if any, may be filed within two weeks. List on 14.02.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW <u>Court No.1 (e-Court)</u>

R.A. No. 18 of 2021 along MA No. 218 of 2021 Inre O.A. No. 395 of 2020

Union of India & Others

service.

Applicants-respondents

By Legal Practitioner for the Applicants

Versus

	versus	
	ELAR Syed Musheer Hussain Practitioner for Respondent	Respondent-applicant
Notes of the Registry	Orders of the Tribunal	
	27.01.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivas	
	Hon'ble Vice Admiral Abhay Raghunath Ka	rve, Member (A)
	1. Heard Shri Amit Jaiswal, Ld. Counse	I for the respondents-applicants
	(Union of India & Ors).	
	2. The respondents-applicants (Union of	f India & Ors) have filed this
	Review Application under Rule 18 of the Arn	ned Forces Tribunal (Procedure)
	Rules, 2008. By means of this Review Application	ation, the respondents-applicants
	(Union of India & Ors) have prayed "that this I	Hon'ble Court may very kindly be
	pleased to review the judgment and order date	ed 16.02.2021 passed by Hon'ble
	Justice U.C. Srivastava, Judicial Member and	Hon'ble Vice Admiral A.R. Karve,
	Administrative Member in Original Application	n No. 395 of 2020, In Re. Syed
	Musheer Hussain Ex-AG PO Elar Vs. Unior	n of India and others, restricting
	arrears of benefit of rounding off for a period	I of three years from the date of
	filing of Original Application in view of judgm	ent dated 13.07.2018 passed by
	the Hon'ble Apex Court in Civil Appeal Dy. No	o. 21811 of 2018, Union of India
	vs. Ex Sgt Girish Kumar & Ors."	
	3. We have gone through the grounds and	I reasons indicated in the review
	application and have also gone through the j	udgment and order sought to be
	reviewed. Claim of the applicant for grant of o	disability pension was allowed by
	the AFT (PB), New Delhi vide order dated 1	9.04.2012 with directions to the
	respondents to grant disability pension to the a	applicant @ 20% from the date of
	discharge from service. In compliance of the	ne order, disability pension was
	granted to the applicant, however, benefit of	rounding off was not granted to
	the applicant. When no benefit of rounding of	was granted to the applicant for

4. We are of the view that order granting disability pension includes benefit of rounding off and no separate order is required to be issued for this. Therefore, applicant is entitled to the benefit of rounding off from the date of discharge from service. The judgment and order sought to be reviewed was

a long time, the applicant filed O.A. No. 395 of 2020 before this Tribunal which

was allowed granting benefit of rounding off from the date of discharge from

passed in proper prospective after considering all the facts and circumstances and also in view of the several pronouncement of the Hon'ble Apex Court. No illegality or irregularity or error apparent on the face of record has been shown to us so as to review the aforesaid judgment of this Court.

- 5. That apart, 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 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 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."
- 6. Law is settled on the point that the scope of review is very limited. It is only when there is an error apparent on the face of record or any fresh fact/ material brought to notice which was not available with the applicant inspite of his due diligence during hearing. Review is not an appeal in disguise. It is nowhere within the scope of review to recall any order passed earlier and to decide the case afresh.
- 7. 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 SCC 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."
- 8. In the instant case, the details mentioned in the review application had already been taken into consideration and discussed in detail and thereafter, the order was passed. In view of the principle of law laid down by Hon'ble the

Apex Court in the case of Parsion Devi and Others (supra), we are of the considered view that there is no error apparent on the face of record in the impugned order dated 16.02.2021, passed in O.A. No. 395 of 2020, which may be corrected in exercise of review jurisdiction.

- 9. In view of aforesaid discussion, Interim Relief application (MA No. 218 of 2021) to stay the implementation of order dated 16.02.2021 is dismissed.
- 10. Resultantly, Review Application No. 18 of 2021 is hereby **dismissed**.

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

SB

T.A. No. 1065 of 2010 with M.A. No. 347 of 2021

R.N. Mishra Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal	
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Heard Shri Bhaskar Prasad Dubey and Shri Shiv Kant Pandey, Ld.	
	Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.	
	Learned counsel for the applicant submits that M.A. No. 347 of 2021 may be dismissed being infructuous.	
	In view of aforesaid submission, M.A. No. 347 of 2021 is dismissed being infructuous.	
	List on 28.03.2022 for final hearing.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	

T.A. No. 19 of 2017 with M.A. No. 799 of 2017

Sepoy Vinod Kumar

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal	
Registry		
	<u>27.01.2022</u>	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing Shri D.S. Kauntae, Ld.	
	Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the	
	respondents are present.	
	Dr. Shailendra Sharma Atal appearing for the respondents submits that	
	original documents of the case being not available today, hearing of the case	
	be adjourned.	
	List the matter after three weeks on 02.03.2022 for hearing.	
	Respondents are directed to produce original documents on the date	
	fixed for perusal of the Bench.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	

T.A. No. 6 of 2021

Ex Sgt Somdatt Awasthi

Petitioner

By Legal Practitioner for the Petitioner

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal	
	27.01.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing Shri Shailendra Kumar Singh,	
	Ld. Counsel for the petitioner and Ms. Appoli Srivastava, Ld. Counsel for the	
	respondents are present.	
	Supplementary counter affidavit filed today by learned counsel for the	
	respondents is taken on record.	
	List on 16.02.2022 for hearing.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)	