

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

M.A. No. 299 of 2022 Inre : O.A. No. 382 of 2020

Ex. Cfn. Ram Din

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>28.03.2022</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 Dr. Chet Narayan Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p>No one is present on behalf of the applicant.</p> <p>This application has been filed to recall the order dated 28.07.2021 in Original Application No. 382 of 2020, Ex. Cfn. Ram Din Versus Union of India & Others, by which the Original Application has been dismissed for non-prosecution.</p> <p>It is submitted by the Ld. Counsel for the respondents that applicant is in habit of not appearing before the Tribunal on the date fixed, therefore, recall application should also be dismissed for non-prosecution.</p> <p>It appears that applicant was enrolled in the Army in the Rajput Regiment on 08.04.1961 and was discharged from service on 21.06.1965 on compassionate ground at his own request under the provisions of Rule 13(3) item III (v) of the Army Rules, 1954. Thereafter, he was enrolled in the Corps of EME of Army on 21.01.1966 and discharged from there on 02.08.1968 (AN) under the provisions of Rule 13(3) Item III (v) of the Army Rules, 1954 being unlikely to become an efficient soldier. At the time of discharge, he was not found to be entitled to any service pension as well as disability pension. Aggrieved with non-payment of service pension/disability pension, the applicant had filed Civil Misc. Writ Petition No. 2495 of 1999, Ram Deen Tiwari Vs. Addl. Dte. General of Organization, Adjutant General's Branch/Org-4 (Civ) (P) Army Headquarter and another, in the Hon'ble Allahabad High Court, which was dismissed on 04.07.2006. It has been observed in the order that applicant having not completed minimum qualifying service for the grant of pension and discharged in Medical Category "AYE" is neither entitled to service pension nor the disability pension. After 14 years of dismissal of the aforesaid Civil Misc.</p>

Writ Petition, the applicant filed Original Application No. 382 of 2020 for the grant of disability pension to him in this Tribunal in which he has nowhere said that for the grant of said relief he has filed a Civil Misc. Writ Petition in the Hon'ble Allahabad High Court in 1999. The Counter Affidavit was filed in the Original Application wherein respondents have stated this fact that in regard to grant of disability pension the applicant had filed a Civil Misc. Writ Petition in the Hon'ble Allahabad High Court which was dismissed on 04.07.2006 and in support thereof they have also filed a copy of order dated 04.07.2006 along with Counter Affidavit.

After the filing of Counter Affidavit, when the applicant did not appear in the Tribunal, the Original Application was dismissed on 28.07.2021 for non-prosecution.

It also appears that the above Original Application was filed by the applicant through his Counsel Shri Parijaat Belaura, however, the recall application has been filed by the applicant himself wherein he has demanded to provide legal aid to him to prosecute his case as he has no means. However, the fact remains that in respect of the relief for which the applicant has filed the Original Application, he has already approached the Hon'ble Allahabad High Court in the year 1999 and his petition has been dismissed on merit on 04.07.2006 and disability pension has been denied to him. It also appears that he has knowingly not mentioned this fact in the Original Application so that the Original Application may not be dismissed being not maintainable due to Civil Misc. Writ Petition in respect of the same relief being dismissed by the Hon'ble Allahabad High Court much before on 04.07.2006.

In view of the aforesaid, we find that applicant is misusing the process of the Court by filing application one after other knowing well that his claim for the grant of disability pension has already been dismissed by the Hon'ble Allahabad High Court on the reason that when he was discharged from service he was in Medical Category "AYE". The claim of the disability of the applicant being denied by the Hon'ble Allahabad High Court in Civil Misc. Writ Petition No. 2495 of 1999, the Original Application filed by the applicant which has been dismissed for non-prosecution was not maintainable. Therefore, the order passed in Original Application regarding its dismissal cannot be set aside, the Original Application cannot be restored to its number for deciding the same on merit as it could be permissible only when the Original Application is maintainable.

The recall application is, therefore, deserved to be dismissed.

Accordingly, Recall Application is **dismissed**.

(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
Court No.1

Ex. A No. 201 of 2016 Inre : T.A. No. 111 of 2012

Vineeta Kohli
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>28.03.2022</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 Ram Kumar Verma, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 23.05.2014 in T.A. No. 111 of 2012. By means of this order the claim of the original applicant Major G.I. Punwani (now deceased) for the grant of interest on Gratuity had been allowed and respondents had been directed to pay simple interest @10% per annum on the sum of Rs.15,480/- to the applicant with effect from 01.10.1987 to 25.01.1999. Besides this, they had also been directed to pay Rs.50,000/- as cost to the applicant.</p> <p>Major G.I. Punwani, the original applicant, died on 10.01.2015 leaving behind him his two sons, namely, Shri Vivek Punwani and Shri Vikram Punwani and daughter Vineet Kohli. The respondents did not comply with the order during the life time of the original applicant. After the death of the original applicant his daughter Vineeta Kohli has filed this application for implementation of the order wherein she has made her two brothers, namely, Shri Vivek Punwani and Shri Vikram Punwani as respondent Nos. 4 and 5 respectively. Shri Vikram Punwani also died during the pendency of this application and his legal heirs have been brought on record as respondent Nos. 5/1 Tehmina Punwani, respondent No. 5/2 Ameria Punwani and respondent No. 5/3 Ayesha Punwani.</p> <p>In regard to legal heirs of the original applicant Major G.I. Punwani an investigation has been carried out by the District Magistrate, Lucknow, who has submitted his report dated 16.06.2021, wherein he has mentioned that Shri Vivek PUnwani (son), Smt. Vineeta Punwani (daughter), Smt. Tehmina Punwani (Daughter-in-law), Smt. Ayesha Punwani (Grand Daughter) and Smt. Ameria Punwani (Grand Daughter) are the legal heirs of deceased Major G.I. Punwani. Thus for the above, it is established that Major G.I. Punwani had died</p>

leaving behind him the applicant, respondent Nos. 4 and deceased respondent No. 5 Vikram Punwani..

A joint affidavit of Shri Vivek Punwani and Shri Vikram Punwani have been filed on record, wherein they have stated that they have no objection in payment of amount in favour of applicant Vineeta Kohli, who is their real sister.

In view of the joint affidavit, it is established that there is no legal hurdle in payment of the amount in question in favour of applicant Vineeta Kohli.

Accordingly, respondents are directed to make payment of the amount, as ordered in Transferred Application No. 111 of 2012, in favour of applicant Vineeta Kohli by issuing PPO in her favour within four weeks from today.

List on **19.05.2022**.

(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. 215 of 2022 with M.A. No. 207 of 2022

Ex. MWO Bhavé Sujeet Shriram
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>28.03.2022</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.</p> <p>Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of three months eleven days.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 215 of 2022</u></p> <p>It is a fit case for 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 17.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 07.07.2022.</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
Court No.1

O.A. No. 216 of 2022

Nb. Sub. (Nur. Tech.) Ritesh 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>28.03.2022</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 Shyam Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is a fit case for adjudication.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">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: center;">List the matter before Registrar on 17.05.2022 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 07.07.2022.</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
Court No.1

O.A. No. 217 of 2022 with M.A. No. 274 of 2022

Ex.Sub. Maj. Ajit Kumar Rai
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>28.03.2022</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 Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents</p> <p>There is a delay of 02 years, 09 months and 05 days in filing of Original Application.</p> <p>Ld. Counsel for the applicant submits that delay in filing of Original Application is not intentional, but for the reasons stated in affidavit filed in support of application.</p> <p>The Ld. Counsel for the respondents has vehemently opposed the prayer on the ground that delay has not been properly and satisfactorily explained.</p> <p>Considering the facts averred in affidavit we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 217 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 17.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 07.07.2022.</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
Court No.1

O.A. No. 218 of 2022 with M.A. No. 275 of 2022

Ex. Sep. Akhilesh Kumar Dixit
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>28.03.2022</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 Ms. Deepti Prasad Bajpai, Advocate on behalf of the respondents is taken on record.</p> <p style="text-indent: 40px;">Heard Shri Ved Prakash Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajapai, Ld. Counsel for the respondents.</p> <p style="text-indent: 40px;">In view of order dated 10.01.2022 of the Hon'ble Apex Court in Miscellaneous Application No. 21/2022 in MA 665/2021 in Suo Motu Writ Petition (C) No.3/2020, there is no delay in filing of Original Application, however, an application for condonation of delay has been moved which being not required is dismissed.</p> <p style="text-indent: 40px;">It is a fit case for 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 17.05.2022 for exchange of pleadings.</p> <p style="text-indent: 40px;">List the matter before Tribunal on 07.07.2022.</p> <p style="text-align: center; margin-top: 20px;"> (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
Court No.1

O.A. No. 219 of 2022 with M.A. No. 276 of 2022

Ex. Sep. Chandra Sekhar
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>28.03.2022</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. Gyan Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Ved Prakash Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 01 month and 05 days.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Accordingly, delay in filing application is condoned. Delay condonation application stands decided accordingly.</p> <p><u>O.A. No. 219 of 2022</u></p> <p>It is a fit case for 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 17.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 07.07.2022.</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
Court No.1

O.A. No. 223 of 2022

Lt. Col. Mukesh Kumar (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>28.03.2022</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 Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri J.L. Joel, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>It is a fit case for 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 17.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 07.07.2022.</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
Court No.1

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

Ex. Rfn. Prem Bahadur Chhetri By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.03.2022</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 style="text-align: center;">Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This application has been filed for the implementation of order dated 11.08.2021 in Original Application No. 777 of 2020.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instruction.</p> <p style="text-align: center;">List on 18.05.2022.</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
Court No.1

Ex. A. No. 78 of 2022 Inre : O.A. No. 497 of 2018

Nk. (TS) Mister 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>28.03.2022</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.</p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This application has been filed for the implementation of order dated 09.08.2021 in Original Application No. 497 of 2018.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed three weeks time to seek instruction.</p> <p style="text-align: center;">List on 18.05.2022.</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
Court No.1

Ex. A. No. 79 of 2022 Inre : Ex. A. No. 84 of 2019, Ex. A. No. 181 of 2017
Inre : O.A. No. 174 of 2016

Smt. Nisha Devi W/o Late Ex. Sep. Kailash Kumar
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>28.03.2022</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 Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that in compliance of order dated 13.07.2021 Corrigendum Government Sanction has been accorded on 14.02.2022. However, Corrigendum PPO has not been issued in the matter.</p> <p style="text-align: center;">Respondents are, therefore, directed to make complete compliance of the order within four weeks from today and file affidavit of compliance.</p> <p style="text-align: center;">List on 19.05.2022.</p> <p style="text-align: center;">Registry is directed to reflect the name of Dr. Shailendra Sharma Atal, Advocate as Counsel for the respondents when the case is listed next.</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
Court No.1

Ex. A. No. 80 of 2022 Inre : O.A. No. 411 of 2021

Sub. Ginesh Kochukuttan Kurup
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>28.03.2022</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 Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This application has been filed for the implementation of order dated 06.12.2021 in Original Application No. 411 of 2021 by which respondents have been directed to consider applicant's case afresh in DPC 2020 along with other personnel of same DPC and promote him to the rank of Subedar Major, if he comes in the merit list and is otherwise found fit for such promotion as per promotion policy within three months from the date of receipt of certified copy of the order.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed two weeks time to seek instruction in the matter.</p> <p style="text-align: center;">List on 06.05.2022.</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
Court No.1

M.A. No. 211 of 2022 Inre : R.A. No. 20 of 2021 Inre : O.A. No. 206 of 2019

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Smt. Savitri Chand
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>28.03.2022</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 Dr. Gyan Singh, Ld. Counsel for the applicants – Union of India & Others submits that application may be dismissed being infructuous.</p> <p>Accordingly, application 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
Court No.1

Ex. A No. 155 of 2017 Inre : T.A. No. 1288 of 2010

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>28.03.2022</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 Shailendra Kumar Singh, Advocate holding brief of Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that in regard to payment of 50% salary from 25.10.2011 to 23.02.2002 Government Sanction has been accorded on 17.03.2022. Ld. Counsel further submits that he will bring the Government Sanction on record by way of affidavit by today itself.</p> <p style="text-align: center;">Let affidavit be filed by today.</p> <p style="text-align: center;">In view of Government Sanction PAO is supposed to make payment of 50% salary. Let payment be made within two weeks from today and affidavit of compliance be filed in regard to that.</p> <p style="text-align: center;">List on 10.05.2022.</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
Court No.1

Ex. A. No. 43 of 2021 Inre : O.A. No. 80 of 2020

Ex. Sep Jeewan Chandra 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>28.03.2022</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 K.K.S. Bisht, Ld. Counsel for the applicant, Shri R.C. Shukla, Ld. Counsel for the respondent Nos. 1 to 4, Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad) are present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>It is submitted by the Ld. Counsel for the respondent Nos. 1 to 4 that in compliance of order dated 15.01.2021 in Original Application No.80 of 2020 a sum of Rs.25,58,393/- including Rs.5,71,002/- as TDS has been credited in applicant's account in January, 2022. It is further submitted that in R.S.M.B. held in the matter on 02.09.2021 the disability of the applicant has been found Nil for life.</p> <p>The applicant is already in receipt of service element. Thus it is submitted by the Ld. Counsel for the answering respondents that their part of the order has been fully complied with.</p> <p>On the last date, PDAs were also impleaded as respondent Nos. 5 and 6 and notices were issued to them. No one is present on their behalf despite service of notice held sufficient upon them.</p> <p>Registry is directed to issue notice to Branch Manager, Punjab National Bank, Jwala Devi Ward, Bageshwar Branch (481600), Vevek Hotel, Tehsil Road, District – Bagreshwar (Uttarakhand)-263642 directing him to appear in person on 20.05.2022 to explain why coercive measure be not taken against him for not complying with the order.</p> <p style="text-align: center;">List on 20.05.2022.</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</td><td style="width: 50%; text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</td></tr></table> <p style="text-align: left;">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
Court No.1

Ex. A. No. 75 of 2021 Inre : O.A. No. 316 of 2020

Ex. Sep Raj Narayan 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>28.03.2022</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant, Dr. Chet Narayan Singh, Ld. Counsel for the respondent and Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad).</p> <p>It is submitted by the Ld. Counsel for the respondents that in compliance of the order dated 16.02.2021 of this Tribunal in Original Application No. 316 of 2020 PPO has been generated on 27.02.2022. The R.S.M.B. has already been held in the matter.</p> <p>Respondents are directed to bring the copy of PPO and report of R.S.M.B. on record within three weeks from today. They are further directed to deposit the cost Rs.10,000/- by the next date fixed.</p> <p style="text-align: center;">List on 11.05.2022.</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
Court No.1

Ex. A. No. 99 of 2021 Inre : O.A. No. 88 of 2020

Ex. Hav. Rakshpal 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>28.03.2022</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 Manoj kumar Awasthi, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad).</p> <p style="text-align: justify;">An affidavit of compliance filed by the respondents is taken on record.</p> <p style="text-align: justify;">In affidavit filed by the respondents they have stated that order under execution has been fully complied with. In R.S.M.B. held in compliance of the order the disability of the applicant has been found @20% to be rounded off to 50% for a period of five years in which regard a PPO has been generated on 04.02.2022. In respect of compensation Rs.1 Lac PPO has already been issued and money has been credited in applicant's account. Thus it is submitted by the Ld. Counsel for the respondents that since the order under execution has been fully complied with, Execution Application may be disposed off to which Ld. Counsel for the applicant has no objection.</p> <p style="text-align: justify;">In view of above, Execution Application is disposed off.</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

Ex. A. No. 16 of 2022 Inre O.A. No. 174 of 2015

Ex. Nk. Jageshwar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Officer In Charge The Records Signals & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.03.2022</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 D.C. Lohumi, Advocate appeared on behalf of respondent No. 4 Bank and filed Vakalatnama which is taken on record.</p> <p>Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant, Dr. Shailendra Sharma Atal, Ld. Counsel for the respondent, Nos. 1 & 2,,Shri D.C. Lohumi, Ld. Counsel for the respondent No. 4 and Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad).</p> <p>It is submitted by the Ld. Counsel for the respondent Nos. 1 and 2 that in compliance of the order passed by this Tribunal 50% back wages has already been credited in applicant's account and in respect of service element as well as disability element PPOs with correct account number have been generated. He sought two weeks time to file affidavit of compliance which is allowed.</p> <p style="text-align: center;">List on 09.05.2022.</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
Court No.1

Ex. A. No. 17 of 2022 Inre : O.A. No. 636 of 2020

Ex. Sep. Krishna Pal 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>28.03.2022</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 Ravi Kumar Yadav, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad).</p> <p style="text-align: center;">An affidavit of compliance has been filed today by the respondents, which is taken on record.</p> <p style="text-align: center;">In the affidavit of compliance filed by the respondents they have stated that in compliance of the order Government Sanction has been accorded on 08.02.2022. Copy of Government Sanction has been filed along with affidavit. The PPO is yet to be generated.</p> <p style="text-align: center;">Respondents are directed to ensure generation of PPO within three weeks from today and file affidavit of compliance.</p> <p style="text-align: center;">List on 19.05.2022.</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
Court No.1**

Ex. A. No. 18 of 2022 Inre : O.A. No. 382 of 2019

Ex. Sub Bhagirath Singh By Legal Practitioner for the Applicant	Versus	Applicant Respondents
Union of India & Others By Legal Practitioner for Respondents		

Notes of the Registry	Orders of the Tribunal
	<p><u>28.03.2022</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 Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents, three weeks further time is granted to file affidavit of compliance.</p> <p style="text-align: center;">List on 09.05.2022.</p> <p style="display: flex; justify-content: space-around; margin-top: 20px;"> (Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J) </p> <p style="font-size: small; margin-top: 10px;">AKD/-</p>

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

Ex. A. No. 19 of 2022 Inre : O.A. No. 401 of 2018

Santosh Singh S/o Late Kishan 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>28.03.2022</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 V.P. Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Kumar Tiwari, AO, PCDA (P) Prayagraj.</p> <p style="text-align: center;">Respondents have not yet filed compliance affidavit in regard to payment of LTA for the period from 24.03.2012 to 06.10.2020. They must file it within four weeks from today else they will be liable to cost.</p> <p style="text-align: center;">Applicant is also directed to file updated copy of pass book of the pension account by the next date fixed for perusal of the Bench.</p> <p style="text-align: center;">List on 12.05.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

Ex. A. No. 27 of 2022 Inre : O.A. No. 160 of 2019

Ex. Sep. Prem 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>28.03.2022</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.S. Bisht, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by learned counsel for the respondents that in compliance to order PPO has been generated with its copy to the applicant.</p> <p style="text-align: center;">Learned counsel for the applicant admits receipt of copy of PPO and also confirms that it is in terms of the order. This shows that order has been complied with.</p> <p style="text-align: center;">Accordingly, 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> <p>SB</p>

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

O.A. No. 305 of 2019

Rajesh Teotia S/o Ex. Sep (Reservist) Vijay Pal 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>28.03.2022</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 K.K. Misra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>On the request of learned counsel for the respondents and as a last chance ten days time is granted to file counter affidavit.</p> <p>It is clarified that in the event of counter affidavit being not filed within the given time the opportunity shall stand closed without any reference.</p> <p>List on 11.05.2022.</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
Court No.1

O.A. No. 505 of 2021

Ex. AC Delip Kumar Dixit
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>28.03.2022</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 Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that counter affidavit in the case will be filed within a week.</p> <p>List on 26.04.2022.</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
Court No.1

O.A. No. 651 of 2021

Ex. Nk. Radha Krishna Pal
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>28.03.2022</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 V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that counter affidavit could not be filed in time due to some personal reasons. It is further submitted that counter affidavit is ready with him and shall be filed in the Registry within a week.</p> <p>Counter affidavit must be filed within a week failing which opportunity shall stand closed.</p> <p>List on 07.04.2022.</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
Court No.1

O.A. No. 738 of 2021

Hav.(Amb Asst) Madhav 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>28.03.2022</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 Om Prakash Kushwaha, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that counter affidavit could not be filed in time due to some personal reasons. It is further submitted that counter affidavit is ready with him and shall be filed in the Registry within a week.</p> <p>Counter affidavit must be filed within a week failing which opportunity shall stand closed.</p> <p>List on 04.05.2022.</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
Court No.1

O.A. No. 847 of 2021

Ex. HFL Bachcha Lal
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>28.03.2022</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 Sudhir Kumar Singh and Shri Abhishek Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed, two weeks further time is granted to file counter affidavit.</p> <p>List on 26.04.2022.</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
Court No.1

O.A. No. 848 of 2021

Smt. Ramwati
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>28.03.2022</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 Vijay Kumar Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Learned counsel for the applicant submits that O.A. may be dismissed being withdrawn with liberty to applicant to approach appropriate forum for redressal of his grievances.</p> <p style="text-align: center;">Accordingly, Original Application is dismissed being withdrawn with liberty to approach appropriate forum.</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
Court No.1

O.A. No.865 of 2021

Col.(TS) Ezajullah Ansari (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>28.03.2022</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 S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents two weeks further time is granted to file counter affidavit as a last chance.</p> <p style="text-align: center;">List on 27.04.2022.</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
Court No.1

O.A. 866 of 2021

Col. (TS) Eftekhar Ali Khan (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>28.03.2022</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 S.G. Singh and Shri Anand Yadav, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents two weeks further time is granted to file counter affidavit as a last chance.</p> <p style="text-align: center;">List on 27.04.2022.</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
Court No.1

O.A. No. 117 of 2022 with M.A. No. 148 of 2022

Ex. Rect Rampal 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>28.03.2022</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 Pushendra Kumar Dhaka and Shri Ramakant Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Objection on delay in filing Original Application filed by the respondents is taken on record.</p> <p>There is a delay of 52 years, 06 months and 18 days in filing 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 applicant was enrolled in the Indian Army on 15.01.1966 and was invalided out from service on 26.02.1967 in low medical category. The applicant was living a life in penury in his remote village in the interior of western UP and is primarily dependent upon the mercy of his family members who themselves are uneducated about the legal rights of disable soldier. Presently, the applicant is totally blind. The applicant has preferred representations dated 19.02.2021 and 08.09.2021 which were rejected by the respondents. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 52 years has not been properly and satisfactorily explained on day to day basis.</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 of 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>The Hon'ble Apex Court in the case of <i>Maniben Devraj Shah Versus Municipal Corporation of Brihan Mumbai</i>, reported in (2012) 5 Supreme</p>

Court Cases 157, has held that “No doubt, sufficient cause should be construed liberally on facts without any hard and fast rule and substantive rights of parties cannot be ignored on account of delay, but a distinction must be made between delay of few days and inordinate delay causing prejudice to the other side.”

In view of the above case laws and the facts and circumstances of the case, delay of 52 years 06 months and 18 days in filing of Original Application is not liable to be condoned.

In the result, we find that delay is not condonable.

Accordingly, delay condonation application is **rejected**.

Original Application being time barred is also **rejected**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

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

O.A. No. 312 of 2018

Suraj 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>28.03.2022</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 K.K.S. Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is submitted by Dr. Shailendra Sharma Atal, learned counsel for the respondents that his name being not reflected in the cause list, he could not prepare the case.</p> <p style="text-align: center;">Registry is directed to reflect name of Dr. Shailendra Sharma Atal as counsel for the respondents when the case is next listed.</p> <p style="text-align: center;">List on 11.05.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 276 of 2017 along with O.A. No. 748 of 2020

Lt. Col. Kamal Singh (Retd) & Others
By Legal Practitioner for the Applicant

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.03.2022</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 arguments of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. Arguments could not be concluded. List on 27.05.2022 for further hearing.</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
Court No.1

O.A. No. 245 of 2018 with M.A. No. 199 of 2022

Dhamendra Singh Tomar
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>28.03.2022</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>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.</p> <p>As prayed by learned counsel for the respondents, list on 01.04.2022 for hearing.</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
Court No.1

O.A. No. 748 of 2020 along with O.A. No. 276 of 2017

Smt. Sushila Chauhan W/o Late Lt. Col. Ranjit Singh Chauhan (Retd) 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>28.03.2022</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 arguments of Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align:center">Arguments could not be concluded.</p> <p style="text-align:center">List on 27.05.2022 for further hearing.</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; margin-left: 5px;">SB</p>

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

O.A. No. 99 of 2021

Ex. Lady Cadet Nira Chaudhary
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>28.03.2022</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 Dinesh Sharma, Advocate holding brief of Col. Y.R. Sharma (Retd), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel holding brief that he has received copy of counter affidavit. He also submitted to grant two weeks time to file rejoinder affidavit which is allowed.</p> <p>List on 28.04.2022.</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
Court No.1

O.A. No. 344 of 2021

Ex. JWO Anil Kumar Ojha
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>28.03.2022</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 Shiv Kant Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>List on 26.05.2022 for final hearing to which date respondents shall produce DPC proceedings w.e.f. 2006 onwards 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>SB</p>

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

O.A. No. 481 of 2021 with M.A. No. 502 of 2021

Abhishek Badoni (Army Cadet)
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>28.03.2022</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>As prayed, the case is adjourned.</p> <p>List on 17.05.2022 for hearing.</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
Court No.1

O.A.(A) No. 373 of 2019

Ex. Hav/SKT Kanhaiya 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>28.03.2022</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 Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>As prayed, the case is adjourned.</p> <p>List on 23.05.2022 for hearing.</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
Court No.1

T.A. No. 1053 of 2010

Pitambar Datt Nainwal (Deceased)
Through His wife Smt. Kalawati Devi
By Legal Practitioner for the Petitioner

Petitioner

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.03.2022</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 S.K. Singh, Ld. Counsel for the petitioner and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed, the case is adjourned.</p> <p>List on 24.05.2022 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench.</p> <p style="display: flex; justify-content: space-around;">(Vice Admiral Abhay Raghunath Karve) Member (A)(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

T.A. No. 1065 of 2010

R.N. Mishra By Legal Practitioner for the Petitioner	Versus	Petitioner
Union of India & Others By Legal Practitioner for Respondents		Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.03.2022</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 Bhaskar Prasad Dubey and Shri Shiv Kant Pandey, Ld. Counsel for the petitioner and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>No supplementary counter affidavit has been filed to the amended pleadings.</p> <p>Supplementary counter affidavit must be filed within three weeks failing which opportunity to the file the same shall stand closed.</p> <p>After supplementary counter affidavit being filed, applicant may file written synopsis within two weeks after serving its copy to learned counsel for the respondents who may also file its reply within a week next thereafter.</p> <p>List on 19.05.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>