### O.A. No. 305 of 2022

Ex. Sgt. A.K. Pandey

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion bie vice Admiral Abridy Ragifuliatii Raive, Weilber (A)
	Memo of Appearance filed by Shri Rajesh Shukla, Advocate on behalf
	of the respondents is taken on record.
	Heard Shri Rang Nath Pandey and Shri Rahul Pandey, Ld. Counsel
	for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.
	The case needs 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 08.07.2022 for exchange of
	pleadings.
	List the matter before Tribunal on 29.07.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 123 of 2022 Inre: O.A. No. 179 of 2020

Hav. Rajesh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Sunil Sharma, Advocate on behalf
	of the respondents is taken on record.
	On the case being taken up for hearing Shri Yashpal Singh, Ld.
	Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the
	respondents are present.
	This application has been filed for the implementation of order dated
	24.11.2020 in Original Application No. 179 of 2020.
	Ld. Counsel for the respondents seeks and is allowed three weeks
	time to seek instruction regarding compliance of the order.
	List on <b>19.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 124 of 2022 Inre: O.A. No. 357 of 2019

Ex. Hv. Suresh Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on
	behalf of the respondents is taken on record.
	Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri
	Arun Kumar Sahu, Ld. Counsel for the respondents.
	This application has been filed for the implementation of order dated
	19.02.2021 in Original Application No. 357 of 2019.
	Shri Arun Kumar Sahu, Ld. Counsel appearing on behalf of
	respondents submits that order under execution has been complied with. He
	seeks and is allowed a week time to file affidavit of compliance.
	Ld. Counsel for the respondents seeks and is allowed three weeks
	time to seek instruction.
	List on <b>10.05.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 125 of 2022 Inre: O.A. No. 328 of 2021

Ex. Nk. Manoj Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	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 Yashpal Singh, Ld. Counsel for the applicant and Shri
	Ramesh Chandra Shukla, Ld. Counsel for the respondents.
	This application has been filed for the implementation of order dated
	25.10.2021 in Original Application No. 328 of 2021.
	It is submitted by the Ld. Counsel for the respondents that four weeks
	time be granted to file affidavit of compliance, which is allowed.
	List on <b>20.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 126 of 2022 Inre: O.A. No. 198 of 2021

Ex. Hav. Suresh Chandra

Applicant

By Legal Practitioner for the Applicant

**Versus** 

**Union of India & Others** 

AKD/SB/-

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Majo
	Sini Thomas, Departmental Representative for the respondents.
	This application has been filed for the implementation of order dated
	08.10.2021 in Original Application No. 198 of 2021.
	Major Sini Thomas, Departmental Representative submitted that in
	the order in question there being some discrepancy in the Army Number and
	name of the applicant, order could not be implemented. She stated that the
	correct name and Army Number of applicant are "Suresh Chandra" and
	"15107504X" respectively whereas in the order dated 08.10.2021 in Origina
	Application No. 198 of 2021 name of applicant is transcribed as "Sures
	Chadnra" and Army Number "1510750X" which need to be corrected.
	Let in the order dated 08.10.2021 in Original Application No. 198 c
	2021 the name of the applicant and Army Number be corrected as "Sures
	Chandra" and "15107504X" respectively in place of "Suresh Chadnra" and
	"1510750X".
	Major Sini Thomas, Departmental Representative further submits tha
	in compliance of the order PPO has been generated on 24.03.2022. She seek
	and allowed four weeks time to file affidavit of compliance.
	List on <b>20.07.2022</b> .

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

M.A. No. 360 of 2022 Inre: T.A. No. 671 of 2010

Ex. Sub. Umakant Mishra

Applicant

In Person

**Versus** 

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022 Hanible Mr. Justice Umach Chandra Srivestava Member (1)
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	M.A. No. 360 of 2022
	Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf
	of the respondents is taken on record.
	Heard Ex. Sub. Umakant Mishra, the applicant in person and Shri
	Amit Jaiswal, Ld. Counsel for the respondents.
	Applicant has moved this application for correction in the operative
	portion of the order dated 20.02.2018 in Transferred Application No. 671 of
	2010 wherein last world of the operative portion the word "punishment" has
	been transcribed in place of "payment".
	For the reasons stated in affidavit filed in support of application,
	correction application is allowed.
	In the operative portion (in para 14) of the order dated 20.02.2018 in
	Transferred Application No. 671 of 2010, the last word be corrected as
	"payment" in place of "punishment"
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 76 of 2021 Iner: O.A. No. 276 of 2019

Ex. Hav. Krishna Chandra Sharma

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 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 Dr. Shailendra Sharma Atal, Ld. Counsel for the
	respondents are present.
	Dr. Shailendra Sharma, Ld. Counsel appearing on behalf of the
	respondents submitted that order in question is in the process of
	implementation, therefore, four weeks further time be granted, which is
	allowed.
	List on <b>21.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 85 of 2022 Inre: O.A. No. 325 of 2020

Ex. Rect. Aman Singh

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	On the case being taken up for hearing Shri Yashpal Singh, Ld.
	Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the
	respondents are present.
	Shri Ashish Kumar Singh, Ld. Counsel appearing on behalf of
	respondents prays for and is granted four weeks further time to file affidavit of
	compliance.
	List on <b>04.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 86 of 2022 Inre : O.A. No. 303 of 2019

**Rect. Beeresh Kumar** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion sie viee Admiral Ashay Raghanath Raive, Member (A)
	On the case being taken up for hearing Shri Yashpal Singh, Ld.
	Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the
	respondents are present.
	On the request of Ld. Counsel for the respondents, four weeks further
	time is granted to file affidavit of compliance.
	List on <b>04.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

Ex. A. No. 87 of 2022 Iner: O.A. No. 210 of 2021

Ex. MWO (HFO) Chitranjan Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant, Ms.
	Kavita Mishra, Ld. Counsel for the respondents and Shri Rajeev Tiwari,
	Accounts Officer, Principal Controller of Defence Accounts (Pensions),
	Prayagraj (Allahabad).
	Ld. Counsel for the respondents submits that order in question has
	been complied with and PPO has been generated.
	A copy of PPO has been annexed along with affidavit of compliance,
	which is taken on record.
	Ld. Counsel for the applicant submits that despite PPO being issued
	on 21.01.2022 no payment has been received by the applicant to which Shri
	Rajeev Tiwari, Accounts Officer, PCDA (Pensions), Prayagraj submitted that
	four weeks time be granted to ensure the compliance of the order, which is
	allowed.
	List on <b>04.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

O.A. No. 271 of 2021

Nb. Sub. Kaushlendra Pratap Singh

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the Registry	
	00.04.0000
	28.04.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Dr.
	Shailendra Sharma Atal, Ld. Counsel for the respondents.
	Supplementary Counter Affidavit filed by the respondents is taken on
	record.
	Ld. Counsel for the applicant wants to file reply to Supplementary
	Counter Affidavit, which is allowed.
	Let reply to Supplementary Counter Affidavit be filed within a week.
	List on <b>21.07.2022</b> for final hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A)  Member (J)
	AKD/SB/-

O.A. No. 386 of 2021

Cpl. Chandan Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 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 Ram Bachan Yadav and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.  Shri Kaushik Chatterjee, Ld. Counsel appearing on behalf of respondents submits that Counter Affidavit is ready within him and will be filed today in the registry.  List on 26.07.2022 for final hearing.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)  AKD/SB/-

### O.A. No. 521 of 2021

Ex. AC (U/T) Aditya Kashyap

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the Registry	
	28.04.2022 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 and Shri
	J.B.S. Rathour, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld.
	Counsel for the respondents are present.
	It is submitted by the Ld. Counsel for the respondents that some more
	time be granted to file Counter Affidavit. It is submitted that Counter Affidavit
	has been prepared and sent for vetting.
	In view of the above, two weeks further time is granted, as a last
	chance, to file Counter Affidavit.
	List on <b>27.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

O.A. No. 587 of 2021

Ex. Rfn. Jai Shankar Singh

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion bie vice Admiral Abridy Ragifullatii Raive, Weilber (A)
	On the case being taken up for hearing Shri Manoj Kumar Awasthi,
	Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the
	respondents are present.
	Shri Rajesh Shukla, Ld. Counsel appearing on behalf of respondents
	submits that he has received para-wise comments. He further submits that
	three weeks further time be granted to file Counter Affidavit, which is allowed. It
	is made clear that if the Counter Affidavit is not filed within the time given, no
	further time shall be granted for the same and opportunity to file Counter
	Affidavit shall be closed.
	List on <b>28.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 716 of 2021

Ex. Rect. Pooran Sharma

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	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, Ld. Counsel
	for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are
	present.
	Ld. Counsel appearing on behalf of respondents submitted that
	Counter Affidavit in the case has been filed which be taken on record, which is
	allowed.
	Ld. Counsel for the applicant submits that he has not received the
	copy of Counter Affidavit.
	Ld. Counsel for the respondents is directed to furnish the copy of
	Counter Affidavit to the Ld. Counsel for the applicant today itself.
	List on <b>10.05.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 783 of 2021

Ex. Hony. Nb. Sub. Ramesh Singh

**Applicant** 

By Legal Practitioner for the Applicant

**Versus** 

**Union of India & Others** 

Respondents

By Legal Practitioner for Respondents

Notes of the Tribunal the Registry

28.04.2022

### Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant, Shri Bipin Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 4, Shri Awadhesh Shukla, Ld. Counsel for the respondent Nos. 5 and 6 (Bank).

Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj is also present.

A Counter Affidavit has been filed today by the respondent Nos. 5 and 6, which is taken on record.

Ld. Counsel for the applicant prays for and is granted two weeks time to file Rejoinder Affidavit.

Shri Kaushik Chatterjee, Advocate states that he is Counsel of Union of India in this case and wants to file Counter Affidavit on behalf of respondent Nos. 1 to 4, therefore, time be granted to file the same.

On perusal of record shows that Shri Bipin Kumar Singh, Advocate has filed his Memo of Appearance on behalf of respondent Nos. 1 to 4 and has filed Counter Affidavit also. When Memo of Appearance of Shri Bipin Kumar Singh, Advocate who is in the panel of Standing Counsel of Union of India is on record and he has filed Counter Affidavit on behalf of respondent Nos. 1 to 4 and it is informed by Major Sini Thomas, Departmental Representative of the respondents also that Shri Bipin Kumar Singh was authorized to file Memo of Appearance in the case, we do not see any reason to allowed Shri Kaushik Chatterjee again to file Counter Affidavit on behalf of respondent Nos. 1 to 4.

Shri Virendra Kumar Verma, Branch Manager, Bank of India, Mainpuri Branch, Mainpuri (UP) is present in person and he submits that over payment has been made to the applicant wherefore recovery is to be made by the Bank from the applicant.

In view of the above, personal appearance of respondent Nos. 5 and 6 (Bank) are exempted.

List on **07.07.2022**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava) Member (J)

AKD/SB/-

### O.A. No. 786 of 2021

**HFO Arun Prasad Lal (Retd.)** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the	Orders of the Tribunal
Registry	
	00.04.0000
	28.04.2022 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Rang Nath Pandey and Shri Rahul Pandey, Ld. Counsel
	for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.
	Original Application is <b>allowed</b> .
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A) Member (J)
	AKD/SB/-

### O.A. No. 808 of 2021

Wg. Cdr. Manish Pandey (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 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.P. Pandey and Shri
	R.K. Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld.
	Counsel for the respondents are present.
	It is submitted by the Ld. Counsel for the respondents that Counter
	Affidavit is under preparation. He prays for and is granted three weeks further
	time to file Counter Affidavit.
	List on <b>19.05.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 815 of 2021

Ex. Hav. Mohan Lal Pal

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Counter Affidavit filed by the respondents is taken on record.
	Heard Shri V.K. Pandey and Shri Girish Tiwari, Ld. Counsel for the
	applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.
	Original Application is partly allowed.
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

O.A. No. 834 of 2021

Ex. Cpl. Ram Kripal Pandey

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

AKD/SB/-

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	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, Ld. Counsel
	for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are
	present.
	Ld. Counsel for the respondents submits that para-wise comments
	being not received, Counter Affidavit could not be filed.
	The Departmental Representative Mr. Ashutosh Pandey submits that
	in the preparation of para-wise comments being various agencies are involved
	in the process, the same could not be collected and forwarded to the Ld.
	Counsel for the respondents for preparation of Counter Affidavit.
	The Original Application has been filed on 10.12.2021.
	Considering to this, respondents are allowed four weeks further time,
	as a last chance, to file Counter Affidavit. It is made clear that if the Counter
	Affidavit is not filed within the time given, the opportunity of filing the same shall
	stand closed without any reference.
	List on <b>06.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

### O.A. No. 72 of 2022

Smt. Suman Sambhaji Gavale W/o Ex. Hav. G.S. Jaganath Gavale

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the Registry	
rtogistry	
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri
	Ashish Kumar Singh, Ld. Counsel for the respondents.
	The amendments have not yet been incorporated in the pleadings.
	Amendments must be incorporated within a week failing which the
	opportunity shall be closed.
	The Counter Affidavit has also not been filed in the case.
	Ld. Counsel for the respondents seeks and is allowed three weeks
	time to file Counter Affidavit.
	List on <b>06.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 92 of 2022

Ex. Hav. Soba Ram

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	20.04.2022
	28.04.2022 Hanible Mr. Justice Umash Chandra Srivastava, Member ( I)
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Tion bie viee Admiral Abridy Ragnandari Raive, Member (A)
	On the case being taken up for hearing Shri Shailendra Kumar Singh,
	Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the
	respondents are present.
	It is submitted by the Ld. Counsel for the respondents that Counter
	Affidavit is under preparation. He prays for and is granted ten days time to file
	Counter Affidavit.
	List on <b>13.05.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 93 of 2022

Ex. Hav. Sumeshwar Kumar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 Hon'ble Mr. Justice Umach Chandra Srivestava Member (1)
	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. Chahar, Ld. Counsel
	for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents are
	present.
	As prayed by the Ld. Counsel for the respondents, two weeks further
	time is granted to file Counter Affidavit.
	List on <b>19.05.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 94 of 2022

Ex. HFO Jay Kumar Prasad

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Holf ble vice Admiral Abriay Ragifuliatii Karve, Member (A)
	On the case being taken up for hearing Shri Sudhir Kumar Singh and
	Shri S.K. Mishra, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld.
	Counsel for the respondents are present.
	Ld. Counsel for the respondents submits that para-wise comments
	being not received by him, Counter Affidavit could not be filed. He prays for
	and is granted four weeks further time to file Counter Affidavit.
	List on <b>07.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 96 of 2022

Ex. Rect. B.R. Konar

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022  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. Chahar, Ld. Counsel
	for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the
	respondents are present.
	Ms. Deepti Prasad Bajpai, Ld. Counsel appearing on behalf of
	respondents submits that she has just received the para-wise comments. She
	further submits to grant three weeks time to file Counter Affidavit, which is
	allowed.
	List on <b>25.05.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 97 of 2022

**Ex. JWO Ramakant Upadhyay** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
i togiou y	
	<u>28.04.2022</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 R. Chandra, Ld. Counsel
	for the applicant and Mr. Ashutosh Pandey, Departmental Representative are
	present.
	Mr. Ashutosh Pandey, Departmental Representative for the
	respondents submits to grant three weeks further time to file Counter Affidaivt,
	which is allowed.
	List on <b>11.07.2022</b> .
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
	Member (A)  Member (A)  Member (J)
	AKD/SB/-

### O.A. No. 98 of 2022

**Ex. Sgt. V.K. Chahar** In Person

Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 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 Ex. Sgt. V.K. Chahar, in person and Mr. Ashutosh Pandey, Departmental Representative are present.  Mr. Ashutosh Pandey, Departmental Representative for the respondents submits to grant three weeks further time to file Counter Affidaivt, which is allowed.  List on 05.07.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)

### O.A. No. 99 of 2022

Ex. Hav. Tirth Nath Ojha

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal	
the		
Registry		
	28.04.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	Heard Ms. Riya, Advocate holding brief of Wg. Cdr. Ajit Kakkar	
	(Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel	
	for the respondents.	
	Ld. Counsel for the respondents submits that the applicant was on	
	ERE with Station Headquarters, Pithoragarh (respondent No. 4) with effect	
	from 02.01.2019 to 03.11.2021 and has been reverted to his parent unit i.e.	
	638 SATA Battery on 03.11.2021.	
	Since the applicant is posted in 638 SATA Battery and complete	
	original records are held with them, Ld. Counsel for the applicant is directed to	
	take steps for substitution of Commanding Officer, 638 SATA Battery in place	
	of Commanding Officer, Station Headquarters, Pithoragarh (respondent No.	
	4).	
	Let steps be taken within a week.	
	List on <b>26.05.2022.</b>	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	
	AKD/SB/-	

O.A. No. 232 of 2010

Jagdish Singh Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal	
the		
Registry		
	<u>28.04.2022</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 S.K. Singh, Ld. Counsel	
	for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are	
	present.	
	The original documents relating to GCM proceedings are not available	
	today.	
	List on 04.07.2022 for final hearing on which date respondents shall	
	produce all original documents including GCM proceedings for perusal of the	
	Bench.	
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	
	AKD/SB/-	

### O.A. No. 556 of 2018

**Shyam Singh Gurjar** 

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

	India & Others	
By Legal F	Practitioner for	Respondents
Notes of the Registry	Orders of the	e Tribunal
		Justice Umesh Chandra Srivastava, Member (J) Admiral Abhay Raghunath Karve, Member (A)
		rd Shri R. Chandra, Ld. Counsel for the applicant and Shri
		rwani, Ld. Counsel for the respondents.
	Duri	ng the course of hearing Ld. Counsel for the applicant submitted
		r matter being Original Application No. 485 of 2018 has been this Tribunal on 16.05.2019. A copy of the order has been filed on
		neans of this Original Application the applicant has made following
		means of this Original Application the applicant has made following
	prayer :-	The Hon'ble Tribunal may be pleased to direct the respondents
	(1)	to either grant further relaxation in ACR to the applicant in the
		rank of Havildar and consider his case for promotion to the
		rank of Naib Subedar with one CR in the rank of Havildar, one
		NIR and 2 CRs in the rank of Naik or direct respondents to
		requisition one special CR w.e.f. 01/10/2015 and thereafter;
		consider him for promotion to the rank of Naib Subedar with
		available CRs. The promotion be directed to be considered
		before 30/06/2016 i.e. the date on which the applicant
		becomes overage for promotion to the rank of Naib Subedar or
		consider him for promotion with ACR upto 2017 by granting
		him age relaxation under para 149(c) of the Regulations For
		the Army, 1987 to maintain parity. They may be directed to
		the runny, root to maintain painty. They may be directed to

consequential benefits..

(ii) Any other appropriate writ, order or direction which the Hon'ble court may deem just and proper in the nature and circumstances of the case.

promote the applicant to the rank of Naib Subedar with all

The claim of the applicant is based on the pronouncement of the Armed Forces Tribunal, Regional Bench, Jabalpur in *Original Application No.124 of 2016*, *Hav. Rajendra Singh Versus Union of India and Others*, decided on 18.04.2017. It is submitted by the Ld. Counsel for the applicant that the case of the applicant is at par with the case of Rajendra Singh (Surpa). Hence, he is entitled for the same relief.

Ld. Counsel for the respondents submitted that against the above Judgment the respondents have preferred Special Leave Petition (Diary No.3988 of 2018) before the Hon'ble Apex Court. The Hon'ble Apex Court though has dismissed the said Special Leave Petition but has observed as under:-

"From the perusal of the order of the Armed Forces Tribunal it appears that in the peculiar facts and circumstances of the case, the Armed forces Tribunal has directed for age relaxation of the respondent for consideration of his age for promotion to the post of Naib Subedar. We are not inclined to entertain this appeal. However, we make it clear that the direction given by the Tribunal will not be treated as precedent."

Thus the aforesaid order passed by the Armed Forces Tribunal, Regional Bench, Jabalpur has been distinguished by the Hon'ble Apex Court itself and it cannot be treated as precedent to grant parity to the applicant. Therefore, we cannot grant the relief as prayed by the applicant. The arguments of the Ld. Counsel for the applicant are devoid of merit. The Original Application lacks merit and deserves to be dismissed.

Accordingly, the **Original Application No. 556 of 2018** is **dismissed**.

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

AKD/SB/-

### O.A. No. 610 of 2018

Hav. Dharmendra Singh

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal	
the		
Registry		
	28.04.2022	
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)	
	Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)	
	On the case being taken up for hearing no one is present on behalf of	
	the applicant.	
	Shri Yogesh Kesarwani, Ld. Counsel for the respondents is present.	
	An affidavit has been filed in the registry on 11.04.2022 by the	
	applicant, which is taken on record.	
	In the affidavit applicant has stated that the Original Application may	
	be dismissed being infructuous as grievance raised by him has been	
	redressed.	
	In view of the fact that grievance raised by the applicant in the Original	
	Application has been redressed and applicant has been promoted to the rank	
	of Naib Subedar as stated in para 3 of affidavit filed by the applicant, the	
	Original Application is liable to be dismissed being infructuous.	
	Accordingly, Original Application is <b>dismissed</b> being infructuous.	
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	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)	
	AKD/SB/-	

### O.A. No. 99 of 2021

**Ex. Lady Cadet Nira Chaudhary** 

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022
	Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Heard Shri Vinay 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.
	Original Application is <b>dismissed</b> .
	For order, see our Judgment passed on separate sheets.
	Misc. Application, if any, pending for disposal, shall be treated to have
	been disposed of.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 116 of 2013

Karamati Iqbal Khan

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 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. Singh Bisht, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.  List on 29.04.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)  AKD/SB/-

### O.A. No. 459 of 2020

Sub. Raeesul Hasan (Retd.)

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of	Orders of the Tribunal
the	
Registry	
	28.04.2022
	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 Dr. Shailendra Sharma Atal, Ld. Counsel for
	the respondents are present.
	The original documents regarding DPC and Honorary Commission
	are not available.
	List on 07.07.2022 on which date respondents shall produce the
	original records regarding DPC, Honorary Commission and correspondence in
	between AD Records and 30 Bn NCC for perusal of the Bench.
	Integrated Headquarters of Ministry of Defence (Army), New Delhi is
	directed to provide the aforesaid original documents to the AFT Legal Cell,
	Lucknow for production of the same before the Bench on the next date fixed.
	Let copy of this order be provided to the Ld. Counsel for the
	respondents/AFT Legal Cell for compliance.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

**Diary No. 1261 of 2022** 

Rect. Vivek Kumar

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Applicant

Notes of the Registry	Orders of the Tribunal
	28.04.2022  Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)  Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)
	Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate
	on behalf of the respondents is taken on record.
	Heard Shri Puru Mudgal, Advocate holding brief of Wg. Cdr. Ajit
	Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal,
	Ld. Counsel for the respondents.
	In regard to defect pointed out by the registry, the submission of Ld.
	Counsel for the applicant is that applicant be allowed to file a fresh
	Vakalatnama. Ld. Counsel states that fresh Vakalatnama may be filed within
	two days.
	Let Vakalatnama, as prayed, be filed within two days and thereafter
	matter may be listed on <b>04.05.2022.</b>
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)
	AKD/SB/-

### O.A. No. 95 of 2022

Ex. Rect. Ravindra Yadav

Applicant

By Legal Practitioner for the Applicant

Versus

**Union of India & Others** 

Respondents

Notes of the Registry	Orders of the Tribunal
	28.04.2022 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 Ms. Preeti Mala, Ld. Counsel for the respondents are
	present.  On the request of Ld. Counsel for the respondents and, as a last
	chance, ten days further time is granted to file Counter Affidavit.  List on 13.05.2022.
	(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)  Member (A) Member (J)