

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

Ex. A. No. 38 of 2020 Inre : with Diary No. 3340 of 2021
Inre : O.A. No. 109 of 2016

Ex. Hav. Amar Nath Singh Kharwar
 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>29.03.2022</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>An affidavit which has been filed by the applicant in the registry on 23.03.2022 is taken on record.</p> <p>Heard Shri Diwakar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Capt. Priyanka, Departmental Representative and Shri Rajiv Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad).</p> <p>In view of order dated 31.05.2013 in Transferred Application No. 638 of 2010 a sum of Rs.7,67,511/- is payable to the applicant towards consequential benefits including pay and allowances as per following details :-</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">(i)</td> <td style="width: 70%;">Salary for the period from 01.08.2003 to 31.08.2008.</td> <td style="width: 25%; text-align: right;">Rs.6,76,113/-</td> </tr> <tr> <td>(ii)</td> <td>Ad-hoc Bonus</td> <td style="text-align: right;">Rs.16,529/-</td> </tr> <tr> <td>(iii)</td> <td>Leave Encashment</td> <td style="text-align: right;">Rs.74,869/-</td> </tr> <tr> <td>(iv)</td> <td>Gratuity in the rank of Havildar</td> <td style="text-align: right;">Rs.2,51,778/-</td> </tr> <tr> <td></td> <td style="text-align: right;">Total</td> <td style="text-align: right;">Rs.10,19,289</td> </tr> </table> <p>Similarly, following recoveries are to be made :-</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">(i)</td> <td style="width: 70%;">AGIF</td> <td style="width: 25%; text-align: right;">Rs.41,250/-</td> </tr> <tr> <td>(ii)</td> <td>Income Tax</td> <td style="text-align: right;">Rs.62,086/-</td> </tr> <tr> <td>(iii)</td> <td>Pension paid to the applicant for the period from 01.08.2003 to 31.08.2008</td> <td style="text-align: right;">Rs.12,79,825/-</td> </tr> <tr> <td>(iv)</td> <td>ECHS Contribution</td> <td style="text-align: right;">Rs.15,000</td> </tr> <tr> <td></td> <td style="text-align: right;">Total</td> <td style="text-align: right;">Rs.13,98,161/-</td> </tr> </table>	(i)	Salary for the period from 01.08.2003 to 31.08.2008.	Rs.6,76,113/-	(ii)	Ad-hoc Bonus	Rs.16,529/-	(iii)	Leave Encashment	Rs.74,869/-	(iv)	Gratuity in the rank of Havildar	Rs.2,51,778/-		Total	Rs.10,19,289	(i)	AGIF	Rs.41,250/-	(ii)	Income Tax	Rs.62,086/-	(iii)	Pension paid to the applicant for the period from 01.08.2003 to 31.08.2008	Rs.12,79,825/-	(iv)	ECHS Contribution	Rs.15,000		Total	Rs.13,98,161/-
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Thus, after making adjustment of the amount payable to the applicant from the recoveries to be made from him, the amount which is still remaining to be recovered comes to Rs.3,78,872/-. As per order, the applicant is entitled to get pension in the rank of Havildar with effect from 01.09.2008.

It is submitted by the Ld. Counsel for the respondents that applicant has received a sum of Rs.12,79,825/- as pension after being discharged from service on 31.07.2003 in view of old PPO dated 30.07.2003. After passing of the order under execution, a new PPO has been issued to the applicant which is dated 28.07.2014. There being a discrepancy in the said PPO as in regard to recovery double entry had been made – first in the demand column and second by a hand written note in the foot of the PPO, therefore, to avoid any confusion in the matter a new PPO dated 25.03.2022 has been issued, a copy whereof has been produced before us during the course of hearing for our perusal.

We have gone through the new PPO dated 25.03.2022 and we find that it is perfectly in terms of the order.

In regard to pay and allowances for the period from 01.08.2003 to 31.08.2008, the Ld. Counsel appearing on behalf of applicant submits that Principal Controller of Defence Accounts (Pensions), Prayagraj has nothing to do with this, it is PAO (OR), Artillery, Lekha Nagar, Nasik who has to do in this regard and since noting has been done by him, the order has not been fully complied with.

We have gone through the affidavits of compliance filed by the respondents and the objections thereon filed by the applicant and we find that PPO dated 28.07.2014 and 25.03.2022 have been issued after making adjustment of the amount payable to the applicant towards consequential benefits, including pay and allowances, for the period from 01.08.2003 to 31.08.2008. Thus, so far as respondent Nos. 1 to 5 are concerned, they have done their part and now nothing remaining to be done by them.

In view of the above, it appears that order has been complied as applicant has no grievance against them remaining respondents.

Accordingly, Execution Application is **dismissed**.

(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. 220 of 2022 with M.A. No. 278 of 2022

Ex. Nk. Laujhar Ram
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>29.03.2022</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 Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 29 years, 01 month and 06 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. 220 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 18.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.07.2022.</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. 221 of 2022 with M.A. No. 279 of 2022

Ex. Nk. (TS) Krishna Bahadur Chhetri Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Alok Kumar Mishra, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 06 years, 05 months and 03 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. 221 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 18.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.07.2022.</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. 222 of 2022 with M.A. No. 280 of 2022

Ex. Hav. Haricharan Singh Yadav
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 D.K. Pandey, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 08 years, 08 months and 11 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. 222 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 18.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.07.2022.</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. 224 of 2022

Ex. Tradesman Mate Rajinder 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>29.03.2022</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 Rajiv Narayan Pandey, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Ajay Sharma, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicant that in regard to grievance raised in Original Application for grant of pension, PPO has been issued by the respondents in February, 2021, however, nothing has been received against the said PPO in the account of applicant. The applicant has not made Bank as a party. He is, therefore, directed to implead the Bank as a party within a week.</p> <p style="text-align: center;">List on 04.05.2022.</p> <p style="text-align: center;">In the meantime respondents may seek instruction from concerned Records, if copy of PPO has been issued to the Bank and if so, when.</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. 225 of 2022 with M.A. No. 282 of 2022

Ex. Hav. (Hony. Nb. Sub.) Sandip Kumar Das
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>29.03.2022</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">Memo of Appearance filed by Shri Ram Sharan Awasthi, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align:justify">Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents.</p> <p style="text-align:justify">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-align:justify">It is a fit case for adjudication.</p> <p style="text-align:justify">Admit.</p> <p style="text-align:justify">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align:justify">List the matter before Registrar on 18.05.2022 for exchange of pleadings.</p> <p style="text-align:justify">List the matter before Tribunal on 08.07.2022.</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. 226 of 2022 with M.A. No. 283 of 2022

Ex. ERA-3 Shatrughan Narayan Mishra
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>29.03.2022</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 Amit Jaiswal, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>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>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 18.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.07.2022.</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

O.A. No. 227 of 2022 with M.A. No. 284 of 2022

Ex. Sep. Lalit 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>29.03.2022</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. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.</p> <p>The Original Application has been filed with delay of 09 years and 22 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. 227 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 18.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.07.2022.</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. 228 of 2022

Ex. PO EL (R) Sunil Dutt
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>29.03.2022</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 Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, 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 18.05.2022 for exchange of pleadings.</p> <p style="text-align: center;">List the matter before Tribunal on 08.07.2022.</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

O.A. No. 229 of 2022

Ex. LS (UW) Kuldeep 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>29.03.2022</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 Ms. Anju Singh, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>Ld. Counsel for the respondents pointed out that name of applicant has been wrongly reflected in the cause list as Kuldeep Kumar Singh, whereas, the notice has been served upon Kuldeep Kumar Yadav.</p> <p>On perusal of Original Application filed by the applicant it appears that it has been filed by Kuldeep Kumar Yadav not by Kuldeep Kumar Singh. The name of the applicant has been wrongly shown in the cause list.</p> <p>Registry is directed to reflect the correct name of the applicant when the case is listed next.</p> <p>Matter pertains to grant of disability pension. There is no delay in filing of Original Application.</p> <p>The points raised in Original Application need consideration, therefore, Original Application is admitted for hearing.</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 18.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.07.2022.</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. 230 of 2022

Ex. SEA I (GW) Pankaj 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>29.03.2022</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 Rajiv Pandey, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Ved Prakash and Shri Devesh Kumar, Ld. Counsel for the applicant and Shri Rajiv Pandey, 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 18.05.2022 for exchange of pleadings.</p> <p>List the matter before Tribunal on 08.07.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1

Ex. A. No. 104 of 2022 Inre : O.A. No. 107 of 2018

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

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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;">Memo of Appearance filed by Shri Kaushik Chatterjee, Advocate on behalf of the respondent Nos. 1 to 4 is taken on record.</p> <p style="text-align: justify;">Heard Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondent Nos. 1 to 4.</p> <p style="text-align: justify;">This application has been filed for the implementation of order dated 27.02.2018 in Original Application No. 107 of 2018. By means of this order the respondents have been directed to pay disability pension to the applicant @50% in place of 40% and they have been further directed to pay enhanced disability pension along with arrears within four weeks from the date of receipt of a certified copy of the order.</p> <p style="text-align: justify;">In regard to compliance of the order, the Ld. Counsel appearing on behalf of respondent Nos. 1 to 4 submitted that it has already been complied with by issuing PPO on 05.09.2019.</p> <p style="text-align: justify;">Respondent Nos. 1 to 4 to bring PPO on record within two weeks from today.</p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that despite PPO being issued in the matter in the year 2019, interest has not yet been paid to the applicant. Applicant has also made Pension Disbursing Authority as party in the Original Application as respondent Nos. 5 and 6.</p> <p style="text-align: justify;">Issue notice to respondent Nos. 5 and 6 returnable within four weeks. Steps for notice be taken within a week.</p> <p style="text-align: justify;">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>AKD/-</p>

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

Ex. A. No. 105 of 2022 Inre : T.A. No. 11 of 2016

Ex. Cfn. Anil Kumar Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Ved Prakash and Shri Devendra Kumar, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p>This application has been filed for the implementation of order dated 09.11.2016 in Transferred Application No. 11 of 2016 by which respondents have been directed to pay disability pension to the applicant @20% to be rounded off to 50% for life along with interest @10% per annum from the date of discharge.</p> <p>It is submitted by the Ld. Counsel for the respondents that in compliance of the order, PPO has been generated which is dated 30.05.2017. A copy of PPO has been filed by the applicant himself along with Execution Application at page No. 12. In regard to PPO, the submission of Ld. Counsel for the applicant is that it is not in terms of the order as by virtue of the order in question, the respondents have been directed to pay disability pension which includes service element also, whereas, the PPO issued in regard to disability element only.</p> <p>We have gone through the PPO annexed with Execution Application and we find that it is not in terms of the order, as there is no mention of service element.</p> <p>Respondents are, therefore, directed to issue Corrigendum PPO including service element within four weeks from today.</p> <p>List on 24.05.2022.</p> <p>A copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell within two days for compliance.</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. 36 of 2018 Inre : O.A. No. 64 of 2011

Ex. Rect. Vijay 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>29.03.2022</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.K. /Singh, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>An affidavit which has been filed by the respondents on 16.02.2022 in regard to compliance of the order is taken on record.</p> <p>In affidavit filed by the respondents they have stated that order in question has been complied with in letter and spirit. They have further stated that a sum of Rs.13,68,065/- for the period from 16.06.2009 to 15.10.2018 has been credited in applicant's account in July, 2019, a copy whereof has been filed as Annexure No. 1 to the affidavit. They have further stated that a sum of Rs.2,81,882/- has been credited in applicant's running ledger account during the month of April, 2021, a copy whereof has been filed as Annexure No. 2 to the affidavit. They have further stated that in view of letter dated 05.05.2021, a sum of Rs.14,33,509/- is due against the applicant in which regard sanction has been obtained and after adjusting the amount of Rs.8,33,167/- the balance amount would be credited in applicant's account during March, 2022 only.</p> <p>In view of above, respondents are directed to file a supplementary affidavit of compliance stating details of payment made to the applicant and annexing therewith the calculation sheet within three weeks from today.</p> <p style="text-align: center;">List on 04.05.2022.</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

Ex. A. No. 52 of 2018 Inre : O.A. No. 189 of 2010

Shiv Kumar Joshi
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>29.03.2022</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 Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant, Shri Kaushik Chatterjee, Ld. Counsel for the respondents and Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad) are present.</p> <p>It is submitted by Shri Kauchik Chatterjee, Ld. Counsel appearing on behalf of respondents that in regard to calculation sheet submitted by the applicant the respondents intend to file objection, as it is wrong.</p> <p>Let objection be filed within two weeks, as prayed.</p> <p>List on 26.05.2022.</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. 21 of 2021 Inre : O.A. No. 601 of 2018

Ex. Nk. Dhruvajit 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>29.03.2022</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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondent Nos. 1 to 4 assisted.</p> <p style="text-align: center;">In regard to compliance of the order, Ld. Counsel for the respondent Nos. 1 to 4 submitted that Government Sanction for implementation of order has been accorded on 04.02.2022 and letter to restore pension to the applicant dated 10.02.2022 has also been forwarded to the Pension Disbursing Authority.</p> <p style="text-align: center;">Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad), who is also present in the Court today, during the course of hearing, submitted that Principal Controller of Defence Accounts (Pensions), Prayagraj has not yet received any letter.</p> <p style="text-align: center;">Respondent Nos. 1 to 4 are, therefore, directed to bring the copy of letter dated 10.02.2022 on record within four weeks from today.</p> <p style="text-align: center;">Banks are also parties in the Original Application as respondent Nos.5 and 6 have not yet been served notice.</p> <p style="text-align: center;">Issue notice to respondent Nos. 5 and 6 (Banks) returnable within four weeks.</p> <p style="text-align: center;">Steps for notice be taken within a week.</p> <p style="text-align: center;">List on 13.05.2022.</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

Ex. A. No. 49 of 2021 Inre : O.A. No. 98 of 2020

Ex. Sub. Dil Shad Ahmad
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>29.03.2022</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 Parijaat Belaura, Ld. Counsel for the applicant, Shri R.C. Shukla, 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;">It is submitted by the Ld. Counsel for the respondents that Government Sanction in the matter is still awaited.</p> <p style="text-align: center;">Order under execution must be complied with within four weeks failing which respondents shall be liable to pay Rs.10,000/- as cost to the applicant.</p> <p style="text-align: center;">List on 26.05.2022.</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. 20 of 2022 Inre : O.A. No. 239 of 2018

Ex. Gdr. Sant Lal Sharma 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>29.03.2022</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;">Affidavit of compliance filed by the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, 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;">Ld. Counsel for the respondents submits that in compliance of the order PPO has been generated on 27.02.2022. She also produced a copy of PPO for perusal of the Bench as well as Ld. Counsel for the applicant, who after perusing the PPO submitted that it is in terms of the order. Thus, the order seems to have been complied with.</p> <p style="text-align: center;">Accordingly, Execution Application is dismissed being infructuous.</p> <table style="width: 100%; margin-top: 10px;"><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="margin-top: 10px;">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. 21 of 2022 Inre : O.A. No. 336 of 2020

Ex. WO (HFO) Vipin Kumar Mishra
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>29.03.2022</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 R. Chandra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Shri Anurag Mishra, Ld. Counsel appearing on behalf of respondents submits that in compliance of the order PPO has been generated on 10.12.2021 with its copy to the applicant. He further submitted that copy of PPO has been sent to concerned Pension Disbursing Authority also.</p> <p style="text-align: center;">In regard to above, the Ld. Counsel for the applicant admitted the fact that PPO has been issued and it is in terms of the order. This shows that order has been complied with.</p> <p style="text-align: center;">Accordingly, Execution 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>AKD/-</p>

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

Ex. A. No. 22 of 2022 Inre : O.A. No. 47 of 2020

Ex. Hav. Mahendra Ram
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>29.03.2022</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 R. Chandra, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pensions), Prayagraj (Allahabad).</p> <p>Shri Anurag Mishra, Ld. Counsel appearing on behalf of respondents submitted that implementation of the order is still in the process, therefore, four weeks further time be granted to file affidavit of compliance which is allowed.</p> <p>List on 24.05.2022.</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. 28 of 2022 Inre : O.A. No. 459 of 2018

Sub. Madho 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>29.03.2022</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 Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that in compliance to order Government Sanction has been accorded on 25.01.2022. It is further submitted that four weeks further time be granted to make compliance of the order and to file affidavit of compliance which is allowed.</p> <p style="text-align: center;">List on 17.05.2022.</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

Ex. A. No. 84 of 2022 Inre : O.A. No. 170 of 2019

Ex. Sailor Sohan 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>29.03.2022</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 Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Shri Shyam Singh, Ld. Counsel appearing on behalf of respondents submitted that in compliance of the order PPO has been generated on 08.02.2022 and R.S.M.B. has also been held on 01.10.2021. It is submitted to grant four weeks time to file affidavit of compliance which is allowed.</p> <p style="text-align: center;">List on 20.05.2022.</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

M.A. No. 205 of 2021 Inre : O.A. No. (Nil) of 2021

Rfn/Chef (Community) Devendra Mohan
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>29.03.2022</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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, 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 order dated 17.02.2022 of this Tribunal report of Court of Inquiry has been received and it may be filed in registry within a week along with affidavit of compliance.</p> <p style="text-align: center;">List on 12.05.2022.</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

O.A. No. 767 of 2021

Ex. LA (AH) Rajeev Singh Rathore
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>29.03.2022</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;">Counter Affidavit filed by the respondents is taken on record. Heard Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents. Original Application is allowed. For order, see our Judgment passed on separate sheets. Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</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. 85 of 2022

Sep. Sunil Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Major R.D. Singh (Retd.), Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicant that since the copy of Counter Affidavit has been received in the month of March, 2021 and applicant is out of Lucknow, therefore, the Rejoinder Affidavit could not be filed within time. He further submitted to grant four weeks time to file Rejoinder Affidavit which is allowed.</p> <p style="text-align: center;">List on 04.07.2022.</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. 294 of 2020

Nk Shakti 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>29.03.2022</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 Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents and as a last chance three weeks time is granted to file supplementary counter affidavit.</p> <p style="text-align: center;">List on 13.05.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 536 of 2021

Sgt Vidya Sagar Dwivedi (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>29.03.2022</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that counter affidavit is under preparation and it will be filed in the registry by Friday.</p> <p>List on 01.04.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 812 of 2021

Ex Nk Shankar Dnyanu Mane
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>29.03.2022</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Captain Priyanka Rathore, Departmental Representative for the respondents.</p> <p>It is submitted by Capt Priyanka Rathore that parawise comments in the matter have been received on 16.03.2022 and sent to learned counsel for the respondents on 27.03.2022.</p> <p>In view of above submission, counter affidavit must be filed within two weeks failing which opportunity to file the same shall be closed.</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>rathore</p>

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

O.A. No. 815 of 2021

Ex Hav Mohan Lal 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>29.03.2022</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.K. Pandey and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents assisted by Capt Priyanka Rathore, Departmental Representative are present.</p> <p>It is submitted by Capt Priyanka Rathore that parawise comments in the matter have been received on 20.03.2022 and sent to learned counsel for the respondents for preparation of counter affidavit.</p> <p>In view of above submission, counter affidavit must be filed within two weeks failing which opportunity to file the same shall be closed.</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>rathore</p>

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

O.A. No. 70 of 2022

Ex. MWO Dinesh Kumar Dwivedi
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>29.03.2022</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. Abhay Kant Upadhyay and Shri Karuna Kant Upadhyay, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents 03 weeks further time is granted to file counter affidavit.</p> <p>List on 13.05.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

Ex.A No. 11 of 2022 with M.A. No. 137 of 2022 Inre O.A. No. 619 of 2021

Javed Iqbal
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>29.03.2022</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 R Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Learned counsel for the respondents submits that Civil Appeal Diary No 8305/2022, which has been filed by the respondents against order dated 07.01.2022 of this Tribunal in O.A. No. 619 of 2021, was listed for hearing before the Hon'ble Apex Court on 28.03.2022 wherein the Hon'ble Supreme Court has granted the leave and issued notice returnable by 11.04.2022. The Hon'ble Supreme Court has also been pleased to stay appearance of the Military Secretary before this Tribunal as directed by this Tribunal vide its order dated 22.03.2022.</p> <p>Learned counsel for the respondents further submits that in view of the fact that leave has been granted and notice in Appeal has been issued, hearing of this execution case be adjourned till disposal of interim relief application filed by the respondents.</p> <p>In reply, learned counsel for the applicant submits that in interim relief application filed by the respondents the Hon'ble Supreme Court heard the matter at length yesterday but did not stay the operation of the order dated 07.01.2022, and, even the previous date order of this Tribunal dated 22.03.2022, wherein Military Secretary has been directed to file his personal affidavit stating the reasons why contempt proceedings be not initiated against him, has not been stayed rather only appearance of the Military Secretary has been stayed. Thus, he submits that when operation of the order dated 07.01.2022 has not been stayed by the Hon'ble Supreme Court the hearing in execution application should not be adjourned rather application should be proceeded and suitable order should be passed to ensure compliance of the order.</p> <p>An uncertified copy of the order dated 28.03.2022 of the Hon'ble Supreme Court in Civil Appeal Diary No 8308/2022 has been produced before</p>

us for our perusal.

We have perused the order dated 28.03.2022 of the Hon'ble Supreme Court and we find that in Civil Appeal filed against judgment and order dated 07.01.2022 of this Tribunal in O.A. No 619 of 2021 leave to appeal has been allowed and notice has been issued returnable on 11.04.2022. We also find that learned counsel for the applicant in the above mentioned Civil Appeal was present in the Court when matter was heard by the Hon'ble Supreme Court and he has accepted the notice. The Hon'ble Supreme Court has also been pleased to stay the appearance of Military secretary in the meantime.

In view of the above we feel it expedient in the interest of justice to adjourn the hearing of the case today. Accordingly, hearing is adjourned.

List on **25.04.2022** for hearing on which date the respondents shall apprise the Tribunal about the order passed in the matter by the Hon'ble Supreme Court on 11.04.2022.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

rathore

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

O.A. No. 265 of 2014

Abhishek Pandey Applicant
 By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
 By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Wg Cdr SN Dwivedi (Retd), Advocate appeared on behalf of the applicant and stated that Shri TN Tiwari, Ld. Counsel for the applicant is presently bed ridden due to paralytic stroke. He has also filed vakalatnama on behalf of the applicant which is taken on record. His name shall be shown in the cause list.</p> <p>Shri R.C. Shukla, is present on behalf of the respondents.</p> <p>List on 24.05.2022.</p> <p style="display: flex; justify-content: space-between;">(Vice Admiral Abhay Raghunath Karve) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No. 176 of 2020

Gnr (DMT) Manpreet 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>29.03.2022</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 Ashok Singh Chauhan, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on 06.07.2022 for final 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>(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>rathore</p>

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

O.A. No. 200 of 2020 In Ref with Dy.No.2753 of 2002 M.A. 39 of 2020

Mrs. Arti Singh & another D/o Late Ex. Sep Bijendra Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Navneet Awasthi and Shri Gaurav Chand Kaushik, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>An application has been filed by learned counsel for the applicant seeking amendment in the O.A. to the effect that applicant No 2 has been married during pendency of the O.A.</p> <p>Respondents have no objection if the amendment is allowed.</p> <p>Accordingly, amendment application is allowed.</p> <p>Let amendment be incorporated.</p> <p>Pleadings have been exchanged and the case is ripe for hearing.</p> <p>List on 20.05.2022 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 415 of 2020 with M.A. No. 295 of 2020

Gnr (Opr) Amit 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>29.03.2022</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;">On the case being taken up for hearing no one is present on behalf of the applicant.</p> <p style="text-align: justify;">Shri Manu Kumar Srivastava, Advocate is present on behalf of respondent No 1-4.</p> <p style="text-align: justify;">Steps to issue notice to respondent No 5 have not been taken.</p> <p style="text-align: justify;">Steps must be taken within two weeks failing which application may be dismissed for non prosecution.</p> <p style="text-align: justify;">List on 25.05.2022.</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>rathore</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

O.A. No. 617 of 2020

Ex Sgt Rajesh Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Keshav Sharma, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted by learned counsel for the respondents that hearing be adjourned on the ground that original documents have not been received.</p> <p>In view of the above, list the case on 06.05.2022 for final 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="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 155 of 2021

Nb Sub (RT) Pushkar Mishra
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>29.03.2022</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 Ashutosh Shahi and Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents list on 27.05.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A. No. 85 of 2022

Sep Sunil Kumar Tiwari
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Maj RD Singh (Retd), Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>As prayed on behalf of learned counsel for the applicant, list on 04.07.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

O.A (A) No. 105 of 2015

Trilok Dutt Appellant
By Legal Practitioner for the Appellant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Nishant Verma, Ld. Counsel for the appellant and Shri D.K.Pandey, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the respondents, list on 10.05.2022 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>

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

T.A. No. 52 of 2017

Lt Dharendra Tiwari (Retd)
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.03.2022</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 Kaushik Chatterjee, Ld. Counsel for the respondents is present.</p> <p>List on 24.05.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>rathore</p>