

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

48. T.A. No. 24 of 2022

**HFO Rajnarayan Singh (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u>29.11.2022</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 Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Transferred Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**44. O.A. No. 580 of 2022**

**Ex. Sub. Ram Kumar Maurya**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Col. A.K. Srivastava (Retd.) and shri Amarendu Srivastava, Ld. Counsel for the applicant and Ms. Perna Singh, Ld. Counsel for the respondents.</p> <p>Original Application is <b>allowed</b>.</p> <p>For orders, see our order passed on separate sheets.</p> <p>Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**41. O.A. No. 496 of 2022**

**Ex. JWO Radhe Shyam Mishra** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">Respondents have been given last chance to file Counter Affidavit vide order dated 10.10.2022, but they failed to file the same.</p> <p style="text-align:center">Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Pushendra Mishra, Ld. Counsel for the respondents.</p> <p style="text-align:center">Original Application is <b>allowed</b>.</p> <p style="text-align:center">For orders, see our order passed on separate sheets.</p> <p style="text-align:center">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**40. O.A. No. 495 of 2022**

**Ex. MWO (HFL) Awadesh Kumar Pandey**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.11.2022</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;">Respondents have been given last chance to file Counter Affidavit vide order dated 10.10.2022, but they failed to file the same.</p> <p style="text-align: center;">Heard Shri Virat Anand Singh and Shri Anugrah Narayan, Ld. Counsel for the applicant and Ms. Purna Singh Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**42. O.A. No. 498 of 2022**

**MWO (HFO) Uday Narayan Singh (Retd.)** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh and Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**32. O.A. No. 382 of 2022**

**MWO (HFO) Ram Kumar (Retd.)** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>29.11.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents. Original Application is <b>allowed</b>. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

**35. O.A. No. 386 of 2022**

**Sgt. Brajesh Kumar (Retd.)**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>29.11.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents. Original Application is <b>allowed</b> . For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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**E-Court**

**O.A. No. 385 of 2022**

**Sgt. Mukesh Kumar Negi (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Respondents have been given last chance to file Counter Affidavit vide order dated 06.10.2022, but they failed to file the same.</p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p style="text-align: left;">AKD/-</p>



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**E-Court**

**O.A. No. 384 of 2022**

**JWO Jitendra Prasad 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><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Respondents have been given last chance to file Counter Affidavit vide order dated 06.10.2022, but they failed to file the same.</p> <p style="text-align: center;">Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**{See rule 11(1)}**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

1. O.A. No. 973 of 2022 with M.A. No. 1184 of 2022

**Ex. Sep. Raghavendra Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Shri Bipin Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: justify;">Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of service pension.</p> <p style="text-align: justify;">There is a delay of 02 months and 16 days in filing of Original Application.</p> <p style="text-align: justify;">Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 973 of 2022</u></b></p> <p style="text-align: justify;">Case needs 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 on <b>20.02.2023</b>.</p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**2. O.A. No. 974 of 2022 with M.A. No. 1185 of 2022**

**Ex. Nk. Sohan 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**

**29.11.2022**

**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**

**Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)**

Shri Yogesh Kesarwani, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.

Heard Shri B.B. Tripathi and Shri Amit Verma, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.

**M.A. No. 1185 of 2022**

This application has been filed for condoning the delay of 18 Years, 11 months and 29 days in filing of Original Application.

Ld. Counsel for the applicant submits that applicant has filed the Original Application for the grant of disability pension which has been denied by the respondents on the premise of disability being neither attributable to nor aggravated by service. He further submits that limitation is not applicable in pensionary matter.

Cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off.

**O.A. No. 974 of 2022**

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 on **20.02.2023**.

**(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**  
**E-Court**

**3. O.A. No. 976 of 2022 with M.A. No. 1186 of 2022**

**Ex. Rfn. Mohar 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><b><u>29.11.2022</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Shri Ramesh Chandra Shukla, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 18 Years, 07 months and 02 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is <b>condoned</b>. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 976 of 2022</u></b></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>20.02.2023</b>.</p> <p style="display: flex; justify-content: space-between; margin-top: 20px;"> <span><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</span> <span><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span> </p> <p>AKD/-</p>

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

**4. O.A. No. 977 of 2022 with M.A. No. 1187 of 2022**

**Smt. Janki Devi W/o Late Ex. Gnr. Ram Shankar Rai** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>Applicant has filed this Original Application for the grant of family pension with delay of 18 years, 10 months and 01 day.</p> <p>Ld. Counsel for the applicant submits that being a pensionary matter, delay should be condoned as denial of pension is a recurring cause of action.</p> <p>He further submits that applicant's husband was invalided out from service on 01.10.1966 and was in receipt of disability pension which was later stopped due to disability being fallen below 20%. Applicant is entitled to family pension of the service element of disability pension in view of Circular No. 527 dated 25.04.2014 issued by the Office of the Principal Controller of Defence Accounts (Pension), Allahabad, however, the respondents have denied the same on the ground of her name being not entered in service record of the deceased soldier.</p> <p>On the other hand, Ld. Counsel for the respondents submits that delay of more than 18 years has not been properly and satisfactorily explained, therefore, delay should not be condoned.</p> <p>He further submits that applicant being not the resident of Uttar Pradesh/ Uttarakhand but of resident of Bihar, this Tribunal has no territorial jurisdiction to</p>

entertain the Original Application. He also submits that time be granted to file detailed objection against maintainability of the Original Application.

Upon hearing submissions of Ld. Counsel of both sides we find that being a pensionary matter, delay is condonable, therefore, delay in filing the Original Application is condoned. Delay condonation application stands disposed off accordingly.

**O.A. No. 977 of 2022**

Applicant has filed copies of letters dated 11.03.2022 and 03.02.2022 written by respondent No. 3 to the applicant. These letters have been sent to the applicant on her address - Flat No. 303, Vinayak Enclave, Ashok Nagar, Allahabad, Uttar Pradesh and received by her also. This shows that applicant is presently residing in Allahabad, Uttar Pradesh and, therefore, in view of sub-rule (2) of Rule 6 of the Armed Forces Tribunal (Procedure) Rules, 2008 this Tribunal has jurisdiction to entertain the Original Application.

Case needs adjudication.

Admit.

Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit.

List on **20.02.2023**.

**(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**  
**E-Court**

**5. O.A. No. 978 of 2022 with M.A. No. 1188 of 2022**

**Smt. Bhuneshvari Devi W/o Late Ex. Sep. Kailash Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Shri Arun Kumar Sahu, Advocate has appeared on behalf of the respondent Nos. 1 to 4 and has filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondent Nos. 1 to 4 when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondent Nos. 1 to 4.</p> <p>There is a delay of 24 Years, 05 months and 02 days in filing of Original Application.</p> <p>This Original Application has been filed for issuing direction to the respondents to revise War Injury Element and Service Element of deceased husband of the applicant with effect from 01.01.1996 and to pay its life time arrears to the applicant in her account.</p> <p>Ld. Counsel for the applicant submits that husband of the applicant was in receipt of War Injury Element and Service Element with effect from the date of his discharge. The above War Injury Element and Service Element were to be revised with effect from 01.01.1996 and 01.01.2016, however, the same being not done, husband of the applicant had represented in this regard, whereupon arrears of revised War Injury Element and Service Element for the period from 01.07.2009 to 01.01.2016 amounting to Rs.29,09,181/- has been credited in his account, however, no amount has been credited in regard to period from 01.01.1996 to 30.06.2009 nor interest has been paid on the arrears. He further submits that since the name of the applicant is entered in the PPO issued to her husband, the arrears ought to have been credited in joint account of the applicant and her husband and not in husband's account. The</p>

arrears has been credited in her husband's account as a result of which she cannot withdraw the amount, therefore, direction to be issued to the respondent Nos. 5 and 6 to transfer the amount of arrears from the account of husband to the account of the applicant.

Ld. Counsel for the applicant further submits that delay, if any, in filing the Original Application is not intentional. Limitation is not applicable in pensionary matter.

Ld. Counsel for the respondents has opposed the prayer and has submitted that arrear has been correctly credited in the pension account of the applicant's husband when he was alive.

Cause shown is sufficient. Accordingly, delay is **condoned**. Delay condonation application stands disposed off.

**O.A. No. 978 of 2022**

Case needs adjudication.

Admit.

Ld. Counsel for the respondent Nos. 1 to 4 seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.

Issue notice to respondent Nos. 5 and 6 returnable within four weeks.

Steps for notice be taken within a week.

List on **20.02.2023**.

**(Vice Admiral Abhay Raghunath Karve)**  
**Member (A)**

**(Justice Umesh Chandra Srivastava)**  
**Member (J)**

AKD/-



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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**6. O.A. No. 985 of 2022**

**Hav. (DMT) Jitendra Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Ms. Appoli Srivastava, Advocate has appeared on behalf of the respondents and has filed Memo of Appearance which is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for issuing direction to the respondents to promote the applicant to the rank of Naib Subedar with effect from 01.01.2022. It is submitted by the Ld. Counsel for the applicant that applicant was medically fit for promotion, however, the promotion was denied to him due to medical category being not upgraded to "P1" from low medical category P2(P).</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>20.02.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**  
**7. O.A. No. 986 of 2022 with M.A. No. 1194 of 2022**

**Mrs. Dhan Maya Thapa**  
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><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Shri Ramesh Chandra Shukla, Advocate has appeared on behalf of the respondents and has filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of family pension to the applicant.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was married to Late Nk. Dhan Bahadur Thapa who was enrolled in the Indian Army and died on 19.06.1998 in an accident after rendering 09 years, 07 months and 19 days of service. After death of the applicant's husband she was in receipt of family pension which was later stopped after applicant got re-married with younger brother of her first husband Shri Rekh Bahadur. After her re-marriage the family pension was granted to her elder daughter Miss Himla. Ld. Counsel submits that even after re-marriage applicant is eligible for family pension, hence, this Original Application has been filed.</p> <p>During the course of hearing, a quarry was raised to the Ld. Counsel for the applicant as to how applicant is eligible for the grant of family pension, more so when she is not issueless from the first husband, he sought and allowed two weeks time to apprise the Tribunal.</p> <p style="text-align: center;">List on <b>04.01.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>

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

**8. O.A. No. 987 of 2022 with M.A. No. 1195 of 2022**

**Ex. Nk. Budhi Lal** 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><b><u>29.11.2022</u></b>  <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">Heard Shri V.K. Pandey, Shri Girish Tiwari, Shri Sandeep Tripathi and Shri Vishnu Kant Awasthi, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed for the grant of MACP.</p> <p style="text-align: center;">There is no delay in filing of Original Application, however, an application for condonation of delay has been filed, which being not required is <b>dismissed</b>.</p> <p style="text-align: center;">Case needs 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 on <b>20.02.2023</b>.</p> <p style="text-align: center;"> <b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b>  Member (A)    Member (J) </p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**9. O.A. No. 988 of 2022 with M.A. No. 1196 of 2022**

**Ex. Hav. (Hony. Nb. Sub.) Chhabi Nath Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Vijay Kumar Pandey, Shri Vishnu Kant Awasthi,, Shri Sandeep Tripathi and Shri Girish Tiwari, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of Naib Subedar pension.</p> <p>There is a delay of 10 Years, 11 months and 23 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 988 of 2022</u></b></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>05.01.2023</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**10. O.A. No. 989 of 2022 with M.A. No. 1197 of 2022**

**Smt. Pin Maya Kumal W/o Late Ex. Sub. Tek Bahadur Thapa** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Dr. Shailendra Sharma Atal, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of family pension. There is a delay of 10 months and 02 days in filing of Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant is the second wife of Late Sub. Tek Bahadur Thapa, who was enrolled in the Indian Army on 28.11.1961 and after discharge from service was in receipt of service pension. Late Sub. Tek Bahadur Thapa firstly married to Smt. Dalli and from their Wedlock five children were born. Applicant was not aware about the first marriage of her husband when she was married. Two children were born to her also from the wedlock of Late Tek Bahadur Thapa. The first wife of Late Tek Bahadur Thapa died on 15.03.2019, whereafter she applied for the grant of family pension. However, her claim has been denied by the respondents on the premise of being a case of plural marriage. He further submitted that plural marriage is permissible in Gorkha community. He further submits that delay in filing the Original Application is not deliberate.</p> <p>Cause shown is sufficient. Accordingly, delay is <b>condoned</b>. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 989 of 2022</u></b></p> <p>Case needs adjudication.</p>

	<p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>20.02.2023</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>
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**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court**

**11. O.A. No. 990 of 2022 with M.A. No. 1198 of 2022**

**Ex. Hav. (Hony. Nb. Sub.) Karan Lal**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Ms. Anju Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Vijay Kumar Pandey, Shri Vishnu Kant Awasthi, Shri Sandeep Tripathi and Shri Girish Tiwari, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of MACP III to the applicant.</p> <p>There is a delay of 14 Years, 05 months and 04 days in filing of Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant has served in the Indian Army for 26 years and about 11 years in the rank of Havildar and, as such, in view of recommendations of 6<sup>th</sup> CPC he is entitled to third MACP which the respondents have wrongly denied. It is further submitted that limitation is not applicable in pensionary matter and, even if there is any delay, the same be condoned.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer.</p> <p>Cause shown is sufficient. Accordingly, delay is <b>condoned</b>. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 990 of 2022</u></b></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>20.02.2023</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**12. O.A. No. 991 of 2022 with M.A. No. 1199 of 2022**

**Smt. Durgabay Motiramji Bolke W/o Late Sep. Moti Ram** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Shri Ashish Kumar Singh, Advocate appeared on behalf of the respondents and filed Memo of Appearance which is taken on record.</p> <p>Heard Shri Nand Kishore, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of family pension.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's husband Ex. Sep. No. 4541370 Moti Ram Bolke was enrolled in the Indian Army on 24.12.1970 and discharged on 26.06.1976. Applicant's husband died on 20.08.2018 without getting any benefits.</p> <p>Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate. His further submission is that the pensionary benefits is a recurring cause of action and it cannot be rejected on the ground of delay. He further submits that limitation is not applicable in pensionary matters. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 46 years has not been properly and satisfactorily explained. He further submits that applicant's husband was non pensioner, therefore, his service documents including constituents thereof may have been destroyed after expiry of retention period as per para 595 of Regulations for the Army 1987. Long Roll in respect of pensioners and non- pensioners are retained for a period of 50 years and 25 years respectively from the date of becoming non-effective. Further submission of Ld. Counsel for the respondents is that since documents</p>



relating to applicant may have been destroyed on expiry of mandatory retention period of 25 years being a non-pensioner, therefore, family pension cannot be granted at this stage.

Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay in filing Original Application is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case. Further, we find that documents relating to ex army person have been destroyed after mandatory retention period in terms of para 595 of Regulations for the Army, 1987. We could have decided the case, had there been related documents pertaining to the applicant's husband and applicant could have been benefitted, but we are unable to impart justice in the absence of requisite documents

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

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

Original Application being time barred is also **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**  
**E-Court**

**13. Ex. A. No. 360 of 2022 Inre : O.A. No. 747 of 2021**

**Ex. MWO Krishna Kumar Tripathi** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>29.11.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p>Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri V.K. Pandey, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 05.05.2022 of this Tribunal in Original Application No. 747 of 2021.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file affidavit of compliance after seeking instruction.</p> <p>List on <b>01.02.2023</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)                                      Member (J)</p> <p>AKD/-</p>

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

**14. T.A. No. 28 of 2022**

**Gp. Capt. Suvashish Chakraborty (Retd.)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Memo of Appearance filed by Shri Kaushik Chatterjee, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Abhishek R. Shukla, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents</p> <p style="text-align: center;">Transferred Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**15. T.A. No. 50 of 2022**

<b>Ex. Sub. Maj. Balendra Prasad Pandey</b> By Legal Practitioner for the Applicant	Applicant
<b>Versus</b>	
<b>Union of India &amp; Others</b> By Legal Practitioner for Respondents	Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">Memo of Appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: justify;">Heard Ex. Sub. Maj. Balendra Prasad Pandey, the applicant in person and Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">Transferred Application is <b>allowed</b>.</p> <p style="text-align: justify;">For orders, see our order passed on separate sheets.</p> <p style="text-align: justify;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: justify;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p><small>AKD/-</small></p>

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

**16. T.A. No. 52 of 2022**

**Ex. Sep./ASH Ujair bahadur Thapa** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align:center">This case has been received by transfer from Allahabad High Court. No one is present on behalf of the applicant. Shri G.S. Sikarwar, Advocate is present on behalf of the respondents and filed Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next. Issue notice to the applicant returnable within four weeks. List on <b>30.01.2023</b>.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**17. T.A. No. 53 of 2022**

**Smt. Anita W/o Late Nk. Rajesh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Vakalatnama filed by Col. H.M. Maheshwari (Retd.), Advocate on behalf of the applicant and Memo of Appearance filed by Shri J.N. Mishra, Advocate on behalf of the respondent Nos. 1 and 3 are taken on record. Their names be shown as Counsel for the applicant and respondent Nos. 1 and 3 respectively when the case is listed next.</p> <p>On the case being taken up for hearing Col. H.M. Maheshwar (Retd.), Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondent Nos. 1 and 3 are present.</p> <p>This case has been received by transfer from Allahabad High Court.</p> <p>Major Tarun, Departmental Representative of respondent Nos. 1 and 3 states that Counter Affidavit has been filed in the High Court, however, the same is not on record.</p> <p>Respondents Nos. 1 and 3 are directed to file Counter Affidavit within three weeks.</p> <p>Issue notice to respondent No. 4 returnable within four weeks.</p> <p>Steps be taken within a week.</p> <p>List on <b>30.01.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**18. T.A. No. 54 of 2022**

Komal (Minor) D/o Spr. Sanjay Kumar (through Legal Guardian Rame Singh)      Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**      Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of Appearance filed by Ms. Kavita Mishra, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Spr. Sanjay Kumar, father of the applicant, in person and Ms. Kavita Misrha, Ld. Counsel for the respondents are present.</p> <p>This case has been received by transfer from Allahabad High Court. No Counter Affidavit has been filed. Counter Affidavit may be filed within four weeks. List on <b>24.02.2022</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**19. T.A. No. 55 of 2022**

**Poonam Devi W/o Late Subhash Chandra**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Vakalatnama filed by Shri Rahul Pal, Advocate on behalf of the applicant and Memo of Appearance filed by Shri Asheesh Agnihotri, Advocate on behalf of the respondents are taken on record. Their names be shown as Counsel for the applicant and respondents respectively when the case is listed next.</p> <p>On the case being taken up for hearing Shri Rahul Pal, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>This case has been received by transfer from Allahabad High Court. Pleadings have been exchanged and the case is ripe for hearing. List on <b>25.01.2023.</b></p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)    Member (J)</p> <p>AKD/-</p>



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

**20. Ex. A. No. 107 of 2021 Inre : O.A. No. 104 of 2016**

**Smt. Pankaj 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>29.11.2022</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 Avinash Kumar, father of Smt. Pankaj Singh, the applicant, in person and Shri Sunil Sharma, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Shri Rajeev Tiwari, Accounts Officer, PCDA (Pension), Prayagraj submits that PPO in the case has been issued today.</p> <p>Let PPO be brought on record within two weeks.</p> <p>List on <b>16.01.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**21. Ex. A. No. 41 of 2022 Inre : O.A. No. 258 of 2018**

**Ex. Gnr. Ashish Kumar Pandey**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant, Ms. Anju Singh, Ld. Counsel for the respondent Nos1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p style="text-align: justify;">Objection to the affidavit of compliance filed by the respondent Nos. 5 and 6 is taken on record.</p> <p style="text-align: justify;">Respondent Nos. 5 and 6 may file reply, if any, within two weeks.</p> <p style="text-align: justify;">List on <b>03.01.2023.</b></p> <p style="text-align: justify;"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align: justify;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p><small>AKD/-</small></p>

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

**22. Ex. A. No. 206 of 2022 Inre : O.A. No. 558 of 2019**

**Ex. L/Nk. Pramod Singh Yadav** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Shri D.K. Pandey, Ld. Counsel appearing on behalf of the respondents submits that for implementation of order Government Sanction has been accorded on 14.10.2022. However, no PPO has been generated yet.</p> <p>Respondents are directed to generate PPO in the matter and file affidavit of compliance within four weeks failing which they shall be liable to pay Rs.5,000/- as cost to the applicant.</p> <p style="text-align: center;">List on <b>10.01.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**23. Ex. A. No. 230 of 2022 Inre : O.A. No. 93 of 2021**

**Ex. Nk. Birija Bhar Ram**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Prashant Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents assisted by Major Tarun, Departmental Representative of the respondents are present.</p> <p>Major Tarun, Departmental Representative of the respondents, on instruction received from DSC Records, submits that RSMB of the applicant has been completed and report has been submitted to competent authority for perusal. As soon as the report is received, the same will be filed. As regards arrears of disability pension, he submits that respondents have been advised to file leave to appeal against the decision of this Tribunal.</p> <p>No leave to appeal has been filed yet.</p> <p>Respondents are directed to make compliance of the order and file affidavit of compliance without fail within four weeks failing which the officer responsible for implementation of the order shall appear in Tribunal on the next date fixed to explain the reasons for non-compliance and why necessary action be not taken against him for non-compliance of the order.</p> <p>List on <b>02.02.2023</b>.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents for compliance.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>     <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>     <b>Member (J)</b></p> <p>AKD/-</p>

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

**24. O.A. No. 421 of 2019**

**Ex. Lance Nk. Dhirendra Kumar Singh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>29.11.2022</b></u> <u><b>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</b></u> <u><b>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</b></u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Manoj Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the applicant, two weeks further time is granted to file Rejoinder Affidavit as a last chance.</p> <p style="text-align: center;">List on <b>18.01.2023</b> for final hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**25. O.A. No. 575 of 2019**

Smt. Roopa Singh Teveotia W/o Ex. Hav. (Late) Aman Pal Singh Teveotia                      Applicant  
By Legal Practitioner for the Applicant

**Versus**

Union of India & Others                      Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u>29.11.2022</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>Vakalatnama filed by Shri Vinay Pandey, Advocate on behalf of the applicant is taken on record. His name be shown as Counsel for the applicant when the case is listed next.</p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal , Ld. Counsel for the respondents are present.</p> <p>Pleadings are complete and the case is ripe for hearing.</p> <p>List on <b>19.01.2023</b> for final hearing.</p> <p style="text-align:right"><b>(Vice Admiral Abhay Raghunath Karve)</b>          <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**26. O.A. No. 196 of 2020 with M.A. No. 207 of 2020**

**Ex. Gnr. (NR) Ram Autar Yadava** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Rahul Dev Tripathi, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on <b>20.01.2023</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <span style="margin-left: 100px;"><b>(Justice Umesh Chandra Srivastava)</b></span> <b>Member (A)</b> <span style="margin-left: 100px;"><b>Member (J)</b></span></p> <p style="text-align: left; margin-top: 10px;">AKD/-</p>

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

**27. O.A. No. 65 of 2022**

**Ex. Sub. Maj. Nigam singh**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents, two weeks further time is granted to file Counter Affidavit as a last chance.</p> <p style="text-align: center;">List on <b>13.01.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>



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

**Suppl. 1. Diary No. 3137 of 2022**

**Ex. PO (US) Praveen Kumar Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Shri Rajiv Pandey, Advocate appeared on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Ved Prakash, Shri Devendra Kumar and Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>An application has been filed for condoning delay of 01 month and 17 days in filing of Original Application.</p> <p>Let Misc. Application and Original Application be registered.</p> <p><b><u>M.A. No. 1218 of 2022</u></b></p> <p>Ld. Counsel for the applicant submits that applicant has filed this Original Application for the grant of disability pension. He further submits that disability claim of the applicant has been denied on the premise of disability being neither attributable to nor aggravated by military service. As a matter of fact it is connected with service. He further submits that delay in filing the Original Application is not deliberate.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer.</p> <p>Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off accordingly.</p> <p><b><u>O.A. No. 1007 of 2022</u></b></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>20.02.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p>

AKD/-

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**

**E-Court**

**Suppl. 3. Ex. A. No. 361 of 2022 Inre : O.A. No. 32 of 2022**

**Ex. Nk. Prabhu Nath Tiwari**

Applicant

By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">Shri Shyam Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p style="text-align: center;">On the case being taken up for hearing Shri K.P. Datta, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">This application has been filed for implementation of order dated 05.04.2022 of this Tribunal in Original Application No. 32 of 2022 by which respondents have been directed to grant disability element of disability pension to the applicant @20% for two years which would stand rounded off to 50% for two years from the next date of his discharge with further direction to conduct Re-Survey Medical Board to assess his further entitlement within four months from the date of receipt of order.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that order has not yet been complied with.</p> <p style="text-align: center;">Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p style="text-align: center;">List on <b>03.02.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>



Form No. 4  
{See rule 11(1)}  
ORDER SHEET

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

O.A. No. 248 of 2022

**Nk Santosh Kumar Sharma & another**  
By Legal Practitioner for the Applicants

Applicants

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.11.2022</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 Ms. Rachna Singh holding brief of Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicants and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>This application has been filed for grant of promotion to Applicant No. 1 to the rank of Havildar w.e.f. the date his juniors have been promoted to the said rank.</p> <p>In para 2 of the supplementary affidavit filed by the respondents they have admitted that issue raised by Applicant No. 1 regarding his promotion to the rank of Havildar has been accorded approval by the respondent No. 3 vide promotion order No. NCOs/91/2022 w.e.f. 01.08.2021, and, as such, Original Application has lost its efficacy and become infructuous and to be dismissed as such.</p> <p>A copy of promotion order has been filed as Annexure SCA-1 to the affidavit wherein applicant No. 1 is shown promoted to the rank of Havildar w.e.f. 01.08.2021.</p> <p>In view of the above, since grievance raised in application has been redressed by the respondents and on account of which application has rendered infructuous, the same is liable to be dismissed as such.</p> <p>Accordingly, Original Application is <b>dismissed</b> being infructuous.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>



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

**O.A. No. 257 of 2022**

**Smt Sunita, W/o Late Ex Hav Ram Naresh** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Krishna Mohan Srivastava and Shri Dileep Kumar, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents No. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondents No. 5 &amp; 6 are present.</p> <p>On the request of learned counsel for the respondents No. 1 to 4 and 5 &amp; 6, three weeks further time is granted to file counter affidavit.</p> <p>List on <b>12.01.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</b> <b>Member (A) Member (J)</b></p> <p>SB</p>

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

**O.A. No. 335 of 2022**

**Lt. Col. Nidhikant Dhyani (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><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that counter affidavit is almost ready and will be filed in the registry within ten days.</p> <p>List alongwith OA No. 554 of 2022 on <b>03.01.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>SB</p>

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

**O.A. No. 490 of 2022**

**JWO Anand Chaudhary**

By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b></p> <p><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents are present.</p> <p>Supplementary affidavit filed by the respondents is taken on record.</p> <p>Shri Ravi Kumar Yadav, learned counsel for the applicant submits that application may be dismissed being infructuous as extension of two years service has been granted by the respondents.</p> <p>In view of the above, application is rendered infructuous and is therefore, liable to be dismissed as such.</p> <p>Accordingly, Original Application is <b>dismissed</b> being infructuous.</p> <p style="text-align:right"><b>(Vice Admiral Abhay Raghunath Karve)</b> Member (A)</p> <p style="text-align:right"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>SB</p>



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

**O.A. No. 554 of 2022**

**Lt. Col. Nidhikant Dhyani**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ms. Upasna Mishra and Shri Kapil Sharma, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>An application in the form of objection has been filed by the respondents seeking recall of order dated 14.09.2022 against which a reply has been filed today by the learned counsel for the applicant.</p> <p>Both the objections filed by the respondents and reply thereon filed by the applicant are taken on record.</p> <p>Learned counsel for the respondents prays for two weeks time to file reply of the reply filed by the applicant.</p> <p>Reply of the reply, if any, may be filed within two weeks.</p> <p>List alongwith O.A. No. 335 of 2022 on <b>15.12.2022</b>.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>SB</p>

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

**O.A. No. 585 of 2022 with M.A. No. 693 of 2022**

**Capt. (IN) Kamlesh Kumar Varma (Retd)** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Abhishek R Shukla, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>Applicant has filed this application to set aside order of the retirement and to grant benefit of two years in service.</p> <p>There being a delay of 8 years and 27 days in filing of the application a delay condonation application has been filed.</p> <p>Learned counsel for the applicant submits that delay in filing the application is not deliberate more so when the benefit is being claimed in terms of the order of the Hon'ble Apex Court.</p> <p>Learned counsel for the respondents has opposed the prayer.</p> <p>Upon hearing submission of both sides, we find that case should be heard on merit after condoning the delay. Accordingly, delay is condoned and case is admitted for hearing.</p> <p>Learned counsel for the respondents submits that counter affidavit will be filed in the Registry within two weeks.</p> <p>Let counter affidavit may be filed within two weeks.</p> <p>List on <b>20.01.2023</b> in physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p>



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

**O.A. No. 766 of 2022**

**Ex. Hav. (Hony Nb Sub) Navin Chandra Tewari** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Om Prakash, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents are present.</p> <p>Counter affidavit on behalf of respondents No. 1 to 3 &amp; 5 has been filed today in the court which is taken on record.</p> <p>Notice to respondent No. 4 could not be issued due to steps cannot be taken by the applicant.</p> <p>Steps must be taken within a week to issue notice returnable within four weeks, failing which application will be dismissed for want of prosecution.</p> <p>List on <b>05.01.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>





**Form No. 4  
{See rule 11(1)}  
ORDER SHEET**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW  
Court No.1**

**O.A. No. 469 of 2019**

**Ex. Rect. Chandrabhan Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the applicant, list this matter on <b>17.01.2023</b> in physical hearing.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>





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

O.A. No. 475 of 2021

**Sub/Int (GD) Gagan Chand** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><u><b>29.11.2022</b></u> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri R. Chandra, Advocate holding brief of Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Rejoinder affidavit filed by the applicant is taken on record.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on <b>23.01.2023</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>

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

**O.A. No. 586 of 2021**

**Sub Lt. Ashish Kumar Pandey (Retd)**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Wg. Cdr. Ajit Kakkar (Retd), Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>No rejoinder affidavit is filed.</p> <p>List on <b>24.01.2023</b> in physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>SB</p>

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

**O.A. No. 334 of 2022**

**Ex. Nb Sub (TA) Shyam Ram** Applicant  
By Legal Practitioner for the Applicant

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Wg. Cdr. S.N Dwivedi (Retd), Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on <b>25.01.2023</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)</b> <b>Member (A) Member (J)</b></p> <p>SB</p>

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

**O.A.(A) No. 133 of 2021**

**Smt. Manju Devi**  
By Legal Practitioner for the Appellant

Appellant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Nishant Verma, Ld. Counsel for the appellant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Case needs physical hearing.</p> <p style="text-align: center;">List on <b>20.01.2023</b> for physical hearing.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve)      (Justice Umesh Chandra Srivastava) Member (A)      Member (J)</p> <p style="text-align: left;">SB</p>



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

**T.A. No. 41 of 2017**

**Sushil Kumar Rangawa**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on <b>30.01.2023</b> for physical hearing.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)                                      Member (J)</p> <p>SB</p>

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

T.A. No. 6 of 2019

**Ex. NK Bishram Singh Rajput**  
By Legal Practitioner for the Petitioner

Petitioner

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Om Prakash Kushwaha, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on <b>31.01.2023</b> for physical hearing.</p> <p><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>SB</p>

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

**T.A. No. 4 of 2021**

**Sub Maj (Hony Lt) Santosh Kumar Pandey (Retd)**  
By Legal Practitioner for the Petitioner

Petitioner

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R.Chandra and Shri K.C. Ghildiyal, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant submits that he has not yet received legible copy of counter affidavit.</p> <p>Let legible copy of counter affidavit must be given to learned counsel for the applicant within a week.</p> <p>List on <b>06.01.2023</b> for physical hearing.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>SB</p>



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

**T.A. No. 9 of 2021 DY. No. 5030 of 2021 AFT (PB) New Delhi**

**Sub Ram Prawesh Mani** Petitioner  
By Legal Practitioner for the Petitioner

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the petitioner and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>Case needs physical hearing.</p> <p>List on <b>03.01.2023</b> for physical hearing.</p> <p>Original Documents, if available with AFT Legal cell, to be retained and placed before the court on the next date fixed for perusal of the Bench.</p> <p style="text-align:center"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>SB</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**E-Court No.1**  
**O.A. No. 992 of 2022 with M.A. No. 1200 of 2022**

**Ex Sub Atar Singh Yadav**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.11.2022</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Pushpendra Mishra, Advocate on behalf of the respondents is taken on record.</p> <p>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-</p> <p>(i) <i>That this Hon'ble Tribunal may kindly be pleased to direct the opp. parties to grant the additional service pension at the rate of 20% to the applicant from the date of attaining the age of eighty years i.e. 03.01.2022, and provide the interest on the aforesaid delayed amount of additional pension with 18% p.a. since due date to actual date of payment, in the interest of justice.</i></p> <p>(ii) <i>That this Hon'ble Tribunal may kindly be awarded the cost Rs. 20,20,000/- (Rs. Twenty Lac and Twenty Thousand) to the applicant against the opposite parties.</i></p> <p>(iii) <i>That this Hon'ble Tribunal may be pleased to pass any other order or direction which this Hon'ble Court may deem just and proper be passed in favour of the applicant."</i></p> <p>Submission of learned counsel for the applicant is that applicant was enrolled in the Army on 15.02.1963 and was discharged from service on 01.03.1991 after rendering more than 28 years of service. The applicant is in receipt of service pension. The date of birth of the applicant is 02.01.1943 and his additional pension @ 20% should be started from the beginning of 80 years of age i.e. w.e.f. 03.01.2022 but the opposite parties have not granted the</p>

same to the applicant.

Learned counsel for the applicant placed reliance on the judgement of AFT (PB), New Delhi in OA No. 1102 of 2022, **Sqn Ldr Yogesh Kumar Choudhary vs. Union of India and Others**, decided on 14.07.2022 and pleaded that applicant is entitled to 20% of additional pension from the beginning of 80 years of age, i.e. just after completion of 79 years of age, w.e.f. 03.01.2022 but the same has not been released by the respondents in very illegal and arbitrary manner ignoring the settled position of law.

Learned counsel for the respondents submitted that since date of birth of the applicant is 02.01.1943 and he will attain 80 years of age on 02.01.2023, therefore, the applicant is presently ineligible for 20% additional pension and Original Application has been filed prematurely. He will however, become eligible for additional pension @ 20% on 02.01.2023 after attaining the age of 80 years. He also submitted that as per Para 12 of Govt. of India, Ministry of Defence letter dated 11.11.2008, additional quantum of pension on attaining the age of 80 years will be paid directly by the PDA as per date of birth recorded in PPO.

In view of above, we are of the view that applicant has filed the present Original Application prematurely because the applicant will be entitled to 20% additional pension on 02.01.2023 after attaining the age of 80 years as per rules/policy on the subject. The benefit of **Sqn Ldr Yogesh Kumar Choudhary** (supra) case cannot be extended to the applicant as this judgment is based on Gowahati Bench judgment and rules regarding release of additional quantum of pension have not be amended yet rather in case of High Court Judges and Supreme Court Judges, an Act, "High Court and Supreme Court Judges (Salaries and Conditions of Service), Amendment Act, 2021" has been passed and published in the Gazette of India, No. 61 dated 20.12.2021 in which it is explained/clarified by making amendment in Section 16B and 17B of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Act, 1954 :-

"Explanation – For the removal of doubts, it is hereby clarified that any entitlement for additional quantum of pension or family pension shall be and shall be deemed always to have been, from the first day of the month in which the pensioner or family pensioner completes the age specified in the first column of the scale."

From the aforesaid explanation, it is clear that applicant will be eligible

for 20% additional quantum of pension on first day of the month in which he completes 80 years of age, i.e. w.e.f. 01.01.2023. Hence, the Original Application filed prematurely cannot be admitted for hearing, deserves to be dismissed at the admission stage itself and is accordingly **dismissed** at admission stage only.

Delay condonation application (MA No. 1200 of 2022) also stands dismissed.

No order as to costs.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

SB