

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

O.A. No. 365 of 2023 with M.A. No. 428 of 2023

Ex. Hav. Pawar Sandeep Shivaji Applicant
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Deepti Prasad Bajpai, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Ms. Deepti Prasad Bajpai, 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>Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 06 months and 22 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 365 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 14.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 2)

O.A. No. 367 of 2023 with M.A. No. 430 of 2023

Ex. MWO A.K. Prasad Applicant
By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate
Shri Amit Pandey, Advocate
Ms. Nisha Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Sunil Sharma, 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 Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 28 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 367 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 14.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 3)

O.A. No. 368 of 2023 with M.A. No. 431 of 2023

Ex. Gnr Sahadev Das Applicant
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Shyam 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>Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 17 years, 09 months and 10 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 368 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 14.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 4)

O.A. No. 369 of 2023 with M.A. No. 436 of 2023

Ex. Hav. Pradeep Kumar Singh Applicant
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate
Shri Rahul Dev Tripathi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Kavita Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></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>Heard Shri Virat Anand Singh and Shri Rahul Dev Tripathi, Ld. Counsel for the applicant and Ms. Kavita Mishra , Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 06 months and 25 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 369 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 14.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 5)

O.A. No. 370 of 2023 with M.A. No. 437 of 2023

Ex. Sgt. Rajesh Kumar Applicant
By Legal Practitioner for the Applicant : Shri Keshav Sharma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ashish 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>Heard Shri Keshav Sharma, 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 disability pension to the applicant.</p> <p>There is a delay of 06 years, 04 months and 10 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 370 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 14.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 6)

O.A. No. 371 of 2023 with M.A. No. 438 of 2023

Ex. Sgt. Rajendra Kumar Applicant
By Legal Practitioner for the Applicant : Shri Keshav Sharma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. S.N. Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Dr. S.N. Pandey, 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 Keshav Sharma, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 06 months and 25 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 371 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 14.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 7)

O.A. No. 387 of 2023 with M.A. No. 472 of 2023

Ex. NK. Amar Nath Yadav Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. Ajit Kakkar (Retd.), Advocate
Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Pushpendra Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Pushpendra Mishra, 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 Manoj Kumar Awasthi , Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 07 months and 01 day in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 387 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 14.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 8)

O.A. No. 388 of 2023

Ex. WO Surendra Nath Chaturvedi Applicant
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri R.K. Singh, Advocate
Maj. S.M. Mustafa (Retd.) Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Kaushik Chatterjee, 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.P. Pandey, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 14.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 9)

O.A. No. 390 of 2023 with M.A. No. 474 of 2023

Ex. Sgt. Sanjay Kumar Mishra Applicant
By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chauhan, Advocate
Shri Manoj Kumar Gupta, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Kavita Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></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>Heard Shri Bhanu Pratap Singh Chauhan and Shri Manoj Kumar Gupta, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 05 years, 03 months and 26 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 390 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 10)

O.A. No. 391 of 2023 with M.A. No. 475 of 2023

Ex. NC (E) T Jeevan Maurya Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Ms. Upasna Mishra, Advocate
Shri Kapil Sharma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Somesh Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Somesh 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>Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 07 months and 01 day in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 391 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 11)

O.A. No. 393 of 2023 with M.A. No. 477 of 2023

Ex. HFO Vinod Kumar Tripathi Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Ms. Upasna Mishra, Advocate
Shri Kapil Sharma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri D.K. Pandey , Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri D.K. Pandey, 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 Raj Kumar Mishra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 01 month and 14 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 393 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No.12)

O.A. No. 395 of 2023 with M.A. No. 479 of 2023

Ex. JWO Radhe Shyam Rai Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ashish 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>Heard Shri R. Chandra, 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 disability pension to the applicant.</p> <p>There is a delay of 07 months and 01 day in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 395 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 13)

O.A. No. 397 of 2023 with M.A. No. 485 of 2023

Ex. JWO Md. Islam Ansari Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Arun Kumar Sahu, 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 Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 07 months and 01 day in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 397 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (SI. No. 14)

O.A. No. 398 of 2023 with M.A. No. 486 of 2023

Ex. Spr. Lakshman Singh Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Bipin Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>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>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 486 of 2023</u></p> <p>This application has been filed for condoning delay of 24 years, 09 months and 18 days in filing of Original Application for revision of disability pension.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 12.12.1962 and was invalided out from service on 16.11.1966 after rendering 03 years and 05 months of service for which applicant was in receipt of disability pension @40% for a period of five years. In Re-Survey Medical Board held after expiry of five years applicant was granted disability pension at the same rate i.e. 40% for life. However, disability element was stopped with effect from 01.01.1996 without assigning any reason. Presently the applicant is in receipt of service element of pension only. He had made representation for restoration of disability element as well as for revision of disability pension in view of Government of India, Ministry of Defence, Principal Controller of Defence Accounts (Pension), Prayagraj Circular No. 165 dated 22.02.2013, however, the same was not revised.</p> <p>Ld. Counsel for the respondents seeks time to file Counter Affidavit/Reply.</p> <p>Considering that limitation is not applicable in pensionary matter, delay in filing the Original Application is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 398 of 2023</u></p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Shri Bipin Kumar Singh, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived.</p> <p>Respondents may file Counter Affidavit/Reply within four weeks from today. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit.</p> <p>List on 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (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 (SI. No. 15)

O.A. No. 399 of 2023 with M.A. No. 487 of 2023

Ex. W.O. Ganesh Shanker Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri J.N. Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Shri J.N. Mishra, 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 J.N. Mishra, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 487 of 2023</u></p> <p>This application has been filed for condoning delay of 11 months and 16 days in filing of Original Application for issuing direction to the respondents to grant promotion to the applicant in the rank of MWO.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was empanelled for promotion to the rank of MWO in the Promotion Panel 2019-20 and his name was at Serial Number 30. The said Promotion Panel was cleared upto Serial Number 36, however, applicant was not promoted to his next higher rank because of being superannuated on 31.10.2019. The promotion was to be made effective from 01.11.2019.</p> <p>Ld. Counsel for the respondents, on the other hand, submits that nothing wrong has been committed to the applicant by not promoting to the applicant as promotion was to be made effective with effect from 01.11.2019 whereas applicant was superannuated on 31.01.2019.</p> <p>Case needs adjudication, therefore, delay in filing the Original Application is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 399 of 2023</u></p> <p>Admit.</p> <p>Shri J.N. Mishra, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived.</p> <p>Respondents may file Counter Affidavit/Reply within four weeks from today. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit.</p> <p>List on 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 16)

O.A. No. 403 of 2023 with M.A. No. 491 of 2023

Ex. Rfn. Amit Kumar Bajpai Applicant
By Legal Practitioner for the Applicant : Lt. Col. Nidhikant Dhyani (Retd.), Advocate
Shri Raj Kumar Mishra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Gyan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Gyan 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>Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 02 months and 02 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 403 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</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 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 17)

Ex. A. No. 80 of 2023 Inre O.A. No. 498 of 2021

Ex. Nk. Liyakat Ansari Applicant
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri J.N. Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri J.N. Mishra, 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 Virat Anand Singh, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 30.11.2021 of this Tribunal in Original Application No. 498 of 2021 by which respondents have been directed to grant disability element of pension to the applicant @50% to be rounded off to 75% for life from the next date of discharge within a period of four month from the date of receipt of certified copy of the order.</p> <p>It is submitted by the Ld. Counsel for the applicant that order has not yet been complied.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 06.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 18)

Ex. A. No. 82 of 2023 Inre O.A. No. 295 of 2020

Ex. Hav. Thakur Singh Applicant
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Anju Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, 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 Virat Anand Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accants Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>Ld. Counsel for the respondents submits that in compliance to order Government Sanction has been accorded as PPO has been issued and applicant has received arrears as well as he is in receipt of disability element Rs.7,448/- per month with effect from 01.07.2019.</p> <p>In view of the above, Execution Application has rendered infructuous and is liable to be dismissed as such.</p> <p>Accordingly, Execution Application is dismissed.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 19)

Ex. A. No. 89 of 2023 Inre O.A. No. 494 of 2022

Ex. Nk. Laxman Saini Applicant
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. S.N. Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Dr. S.N. Pandey, 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.P. Pandey, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 14.11.2022 of this Tribunal in Original Application No. 494 of 2022. By this order the respondents have been directed to grant disability element of pension @54.4% to be rounded off to 75% for life from the next date of discharge within a period of four months from the date of receipt of certified copy of order.</p> <p>The order has not yet been complied with.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on 06.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 20)

Ex. A. No. 90 of 2023 Inre T.A. No. 25 of 2022

Ex. JWO Suresh Kumar Singh Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Rajiv Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Rajiv Pandey, 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 Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 10.10.2022 of this Tribunal in Transferred Application No. 25 of 2022. By this order the respondents have been directed to grant disability element of pension less than @50% to be rounded off to 50% for life from the next date of discharge within a period of four months from the date of receipt of certified copy of order.</p> <p>The order has not yet been complied with.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on 06.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 21)

Ex. A. No. 91 of 2023 Inre O.A. No. 433 of 2022

Ex. Hav. Madhusudan Singh Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awashti, Advocate

Versus

Union of India & Others Respondents

By Legal Practitioner for Respondents : Ms. Amrita Chakraborty Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Ms. Amrita Chakraborty, 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>Heard Shri Manoj Kumar Awashti, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 06.10.2022 of this Tribunal in Original Application No. 433 of 2022.</p> <p>It is submitted by the Ld. Counsel for the applicant that order has not been complied yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance of the order.</p> <p>List on 10.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 22)

Ex. A. No. 92 of 2023 Inre T.A. No. 18 of 2022

Ex. MWO Govind Narayan Mishra Applicant
By Legal Practitioner for the Applicant : Shri Ramakant Gupta, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Rajesh Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Rajesh 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 Ramakant Gupta, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 22.09.2022 of this Tribunal in Transferred Application No. 18 of 2022.</p> <p>It is submitted by the Ld. Counsel for the applicant that order has not been complied yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance of the order.</p> <p>List on 10.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 23)

M.A. No. 432 of 2023 with M.A. No. 433 of 2023 Inre : Diary No. 2962 of 2022

Ex. NK. Ranjeet Kumar Applicant
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Kavita Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></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>Heard Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 432 of 2023 with M.A. No. 433 of 2023</u></p> <p>This is an application to recall the order dated 23.01.2023 in Diary No. 2962 of 2022.</p> <p>The Diary Number was dismissed in default and also for not removing the defects pointed out by the registry.</p> <p>The Ld. Counsel for the applicant submits that he was not informed about the defects and that after the dismissal of Diary Number he has removed the defect by filing Delay Condonation Application in registry.</p> <p>In view of the above, the order dated 23.01.2023 is recalled and Diary No. 2962 of 2022 is restored to its number.</p> <p><u>Diary No. 2962 of 2022</u></p> <p>Defects must be removed within a week, if not already removed. List on 30.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 24)

M.A. No. 434 of 2023 with M.A. No. 435 of 2023 Inre : O.A. No. 63 of 2022

Union of India & others Applicants
By Legal Practitioner for the Applicants : Shri Jai Narayan Mishra, Advocate

Versus

Lt. Col. Rajeev Devgan (Retd.) Respondent
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri Jai Narayan Mishra, Ld. Counsel for the applicants – Union of India & others.</p> <p style="text-align: center;">This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 04.01.2023 of this Tribunal in Original Application No. 63 of 2022.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 01 month and 20 days in filing of application be condoned.</p> <p style="text-align: center;">In view of the facts stated in affidavit filed in support of delay condonation application, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off accordingly.</p> <p style="text-align: center;">Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (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 (Sl. No. 25)

Ex. A. No. 113 of 2022 Inre : O.A. No. 294 of 2021

Ex. Nk. Ram Suresh Yadav Applicant
By Legal Practitioner for the Applicant : Mohd. Zafar Khan, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Somesh Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Somesh Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>It is submitted by the Ld. Counsel for the respondents that in compliance to order PPO has been generated. Applicant has received the arrears and he is also in receipt of disability element @Rs.7,515/- per month with effect from 01.01.2021.Regarding payment of interest on arrears amounting to Rs.17,635/- PPO has been issued.</p> <p>In view of the above, the Execution Application has rendered infructuous and is, therefore, dismissed as such.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 26)

Ex. A. No. 148 of 2022 Inre : O.A. No. 446 of 2020

Ex. Nk. Mithilesh Singh Applicant
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri R.K. Singh, Advocate holding brief for Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Ld. Counsel for the respondents submits that in compliance to order PPO has been generated today.</p> <p>Let PPO be brought on record within two weeks.</p> <p>List on 01.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 27)

Ex. A. No. 229 of 2022 along with R.A. No. 04 of 2023 Inre : O.A. No. 171 of 2020

Smt. Suman Devi W/o Late Ex. Lance Nk. Ramesh Chandra Applicant
By Legal Practitioner for the Applicant : Shri K.K. Misra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri K.K. Misra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the respondents that since the Review Application filed by the respondents against the order impugned in Execution Application has been dismissed, four weeks time be granted to seek instruction regarding compliance of the order which is allowed.</p> <p style="text-align: center;">List on 18.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 28)

R.A. No. 04 of 2023 with M.A. No. 97 of 2023 Inre : O.A. No. 171 of 2020
Along with
Ex. A. No. 229 of 2022

Union of India & others Applicants
By Legal Practitioner for the Applicant : Shri Ashish Kumar Singh, Advocate

Versus

Smt. Suman Devi W/o Late Ex. Lance Nk. Ramesh Chandra Respondent
By Legal Practitioner for Respondent : Shri K.K. Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri Ashish Kumar Singh, Ld. Counsel for the applicants – Union of India & Others and Shri K.K. Misra, Ld. Counsel for the respondent.</p> <p><u>M.A. No. 97 of 2023</u></p> <p>For the reasons stated in affidavit filed in support of delay condonation application, delay of 09 months and 15 days in filing the Review Application is condoned. Delay condonation application stands disposed off accordingly.</p> <p><u>R.A. No. 04 of 2023</u></p> <p>This application has been filed to review the order dated 19.07.2021 in Original Application No. 171 of 2020 by which while allowing the Original Application the applicants herein have been directed to grant Special Family Pension to respondent herein w.e.f. date of death of her husband.</p> <p>It is submitted by the Ld. Counsel for the applicants herein that there was no causal connection between the death of husband of respondent herein and military service as he had not died while performing official duties rather he had consumed organochloric insecticide with the result his death had occurred. It is further submitted that applicants herein had taken this plea in Counter Affidavit, but the same was negated without summoning the viscera report, had viscera report been summoned the position would have been cleared that husband of the respondent herein had consumed poison on account of which he had died which had no connection at all with the military service. Thus, the Ld. Counsel for the applicants herein has submitted that since the Tribunal has passed the order based on presumption only without summoning the viscera report, it is an error apparent on the face of record, the order be reviewed and Original Application granting Special Family pension to the applicant be</p>

dismissed.

Per contra, Ld. Counsel for the respondent herein submitted that it is wrong on the part of the applicants herein to submit that Tribunal's order allowing Special Family Pension to the applicant based on presumption. The plea regarding death of husband of the applicant after consuming organochloric insecticide was taken in the Counter Affidavit by the applicants herein and the same was considered and the Tribunal passed the order that death of husband of the respondent herein was attributable to military service, with the result Original Application was allowed. He submitted that there is no error apparent on the face of record so that order may be reviewed.

Ld. Counsel for the respondent herein further submitted that the order to be reviewed is dated 19.07.2021. The applicants herein had filed Leave to Appeal application against the order and after the same being dismissed by this Tribunal now they have filed the Review Application in order to cause delay in execution of the order.

Upon hearing submissions of Ld. Counsel of both sides and considering that plea on which the Review Application has been filed was taken in the Counter Affidavit of the applicants herein and pressed also during the course of arguments and was considered also while passing the impugned order we are of the considered view that there is no error apparent on the face of record so that order may be reviewed. It appears that in the garb of Review Application applicants herein want Tribunal to sit as Court of Appeal on its own order which is not permissible in law. The Review Application is devoid of merit and is, therefore, liable to be dismissed.

Review Application is **dismissed**.

(Vice Admiral Atul Kumar Jain)
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 (Sl. No. 29)

Ex. A. No. 285 of 2022 Inre : O.A. No. 602 of 2021

Ex. Hav. Jit Bahadur Thapa

Applicant

By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.</p> <p>It is submitted by the Ld. Counsel for the respondents that case file of the applicant for financial concurrence is still pending with the office of Principal Integrated Financial Advisor, New Delhi.</p> <p>On the last date also it was also submitted by the Ld. Counsel for the respondents that the case file is pending with the Principal Integrated Financial Advisor since 13.11.2022 and considering the same, four weeks further time was granted to the respondents to make compliance of the order and it was directed that in the event of order being not complied with the Principal Integrated Financial Advisor (Q & M), Room No. 708, 'A' Wing, Sena Bhawan, New Delhi shall appear in person before the Tribunal on the next date fixed to show cause why coercive measures be not taken against her for non-compliance of the order. Despite this, neither the order has been complied with nor the Principal Integrated Financial Advisor, New Delhi is present to show the cause.</p> <p>In the circumstances no other option is left with us but to issue notice to the Principal Integrated Financial Advisor (Q & M), Room No. 708, 'A' Wing, Sena Bhawan, New Delhi through Defence Secretary, Ministry of Defence, Government of India, New Delhi asking her to appear in person in Tribunal on the next date fixed to show cause why necessary action be not taken against her.</p> <p>Accordingly, registry is directed to issue notice to the Principal Integrated Financial Advisor (Q & M), Room No. 708, 'A' Wing, Sena Bhawan, New Delhi through Defence Secretary, Ministry of Defence, Government of India, New Delhi.</p> <p>List on 12.07.2023.</p> <p>A copy of this order be given to AFT Legal Cell also to ensure its service.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 30)

Ex. A. No. 290 of 2022 Inre : O.A. No. 283 of 2021

Ex. Sub. Brajendra Singh Applicant
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri D.K. Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Vakalatnama filed by Shri Manoj Kumar Awasthi, 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 Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>The order has not yet been complied with.</p> <p>Ld. Counsel for the respondents has prays for four weeks further time to make compliance of the order which is allowed.</p> <p>Respondents are directed to deposit the cost due against them b ythe next date fixed.</p> <p>List on 13.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 31)

Ex. A. No. 327 of 2022 Inre : O.A. No. 238 of 2019

Ex. L/Nk. Awadhesh Kumar Pandey Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Bipin Kumar Singh, Advocate
Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant, Shri Bipin Kumar Singh, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6.</p> <p>This is the second application for implementation of order dated 03.04.2019 in Original Application No. 238 of 2019.</p> <p>It is submitted by the Ld. Counsel for the applicant that in compliance to order the respondents credited Rs.25,19,663/- in the applicant's account on 30.04.2020 which when calculated with the then prevailing rate of D.A. it was found to be deficient to Rs.3,44,335/0. The calculation chart has been submitted in the Execution Application itself.</p> <p>Ld. Counsel for the respondent Nos. 5 and 6 prays for and is granted four weeks time to verify the calculation sheet submitted by the applicant in the Execution Application and file compliance report.</p> <p>List on 30.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 32)

O.A. No. 670 of 2022

JWO Kamal Kumar Omar (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Keshav Sharma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Rajiv Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Keshav Sharma, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>As prayed, list on 13.04.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 33)

O.A. No. 827 of 2022

Ex. Sep./Chef (C) Lokesh Malik Applicant
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.), Advocate
Shri Rohit Kumar, Advocate

Versus

Chief of the Army Staff & Others Respondents
By Legal Practitioner for Respondents : Ms. Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh, Advocate holding brief of Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submits that Counter Affidavit is ready and will be filed in the registry after serving its copy to the Ld. Counsel appearing for the applicant.</p> <p>List on 10.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 34)

O.A. No. 974 of 2022

Ex. Nk. Sohan Pal Applicant
By Legal Practitioner for the Applicant : Shri B.B. Tripathi, Advocate
Shri Amit Verma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Yogesh Kesarwani, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri B.B. Tripathi and Shri Amit Verma, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents. Original Application is allowed. 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;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 35)

O.A. No. 985 of 2022

Hav. (DMT) Jitendra Singh Applicant
By Legal Practitioner for the Applicant : Col. A.K. Srivastava (Retd.), Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed, list on 13.04.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 36)

O.A. No. 1066 of 2022

Hony. Lt. Devi Singh Applicant
By Legal Practitioner for the Applicant : Shri Rohitash Kumar Sharma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>List on 03.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 37)

O.A. No. 1095 of 2022

Ex. Rect. Bolke Vijay Motiram Applicant
By Legal Practitioner for the Applicant : Shri Nand Kishore, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Deepti Prasad Bajpai, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Nand Kishore, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit. In the event of Counter Affidavit being not filed the case will be heard and decided on the basis of material available on record.</p> <p>List on 04.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 38)

O.A. No. 1102 of 2022

Ex. Sep. Sheo Kumar Applicant
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on 04.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 39)

O.A. No. 1107 of 2022

Ex. POEL (P) Ajay Singh Chauhan Applicant
By Legal Practitioner for the Applicant : Shri Sarvesh Kumar Verma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on 03.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 40)

O.A. No. 1115 of 2022

Ex. Sub. Rana Pratap Singh Applicant
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Arun Kumar Sahu, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents. Original Application is allowed. 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;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 41)

O.A. No. 1133 of 2022

Ex. WO Vivek Vardhan Dubey Applicant
By Legal Practitioner for the Applicant : Shri Shashi Kant Chaturvedi, Advocate
Shri Vinay Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Chet Narayan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents. Original Application is allowed. 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;">(Vice Admiral Atul Kumar Jain) (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 (Sl. No. 42)

O.A. No. 24 of 2023

JWO Satyavir Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents. Original Application is allowed in respect of first, second and fourth disabilities. 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;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 43)

O.A. No. 25 of 2023

Ex. Sep. Manoj Yadav Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate
Shri Anshuman Srivastava, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit.</p> <p>List on 26.04.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 44)

O.A. No. 176 of 2023

Lt. Col. Sushil Kumar (Retd.) Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. Ajeet Kakkar (Retd.), Advocate
Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on 11.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 45)

O.A. No. 177 of 2023

Ex. Sigmn. Ajay Kumar Applicant
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Alok Kumar Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on 12.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 46)

O.A. No. 178 of 2023

Ex. Rfn. Deepak Kumar Applicant
By Legal Practitioner for the Applicant : Shri Prakhar Kankan, Advocate
Shri K.K. Singh Bisht, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri D.K. Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Singh Bisht Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on 12.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 47)

O.A. No. 179 of 2023

Ex. Sep. Bhola Prasad Applicant
By Legal Practitioner for the Applicant : Shri Rahul Pal, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rahul Pal, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on 22.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 48)

O.A. No. 180 of 2023

Ex. Sep. Surendra Kumar Rai Applicant
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on 22.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 49)

O.A. No. 184 of 2023

Ex. Sgt. Suresh Chandra Yadav Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit.</p> <p>List on 20.04.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 50)

O.A. No. 185 of 2023

Ex. Gnr. Prem Singh Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Anurag Misra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on 03.05.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 51)

O.A. No. 294 of 2023

Lt. Col. Parsun Kanti Goswami Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate
Shri Kunwar Sushant Prakash, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Kunwar Sushant Prakash, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>The case is wrongly listed today.</p> <p>List on the date fixed i.e. 17.04.2023 before the appropriate Bench as it is a part heard case.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) 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 (Sl. No. 52)

O.A. No. 345 of 2023 with M.A. No. 395 of 2023

Ex. GDSM Birendra Upadhyay Applicant
By Legal Practitioner for the Applicant : Shri Manish Kumar Rai, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Copy of Original Application No. 661 of 2022 filed by the applicant is taken on record.</p> <p>Heard Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 395 of 2023</u></p> <p>This application has been filed for condoning delay of 6448 days in filing the Original Application for the grant of disability pension for the disabilities suffered by the applicant.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 27.10.1990 and was discharged from service being in low medical category on 28.02.2002 for disabilities (i) "Osteomyelitis Sternum and Chondroitin (5, 6, 7 Coastal Cartilages (RT) OPTD" assessed @20% for life as attributable to military service, (ii) "PIVD L3 L4" assessed @20% for life as aggravated by military service and (iii) "Generalized Seizure N-875 E-965 T22 (a) 349" @20% as neither attributable to nor aggravated by military service, composite disabilities @50%. Applicant was granted disability pension @20% for second disability only i.e. "PIVD L3 L4" @20% for life which was later on stopped by the respondents on account of applicant being involved in criminal case and imprisoned also. The applicant had filed Original Application No. 661 of 2022 for the restoration of his disability pension which is still pending adjudication.</p> <p>As regards first and third disabilities the applicant has filed the Present Original Application as no disability pension was granted by the respondents for these.</p> <p>It is further submitted by the Ld. Counsel for the applicant that delay in filing the Original Application is not deliberate and also that limitation is not</p>

applicable in pensionary matter, more so when the applicant has been discharged from service in low medical category on medical reasons only.

The Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that there is long delay of 6448 days in filing the Original Application which has not been properly and satisfactorily explained on day-to-day basis wherefore delay should not be condoned.

Upon hearing submissions of Ld. Counsel of both sides and going through the Original Application No. 661 of 2022, copy filed today, we find that the said Original Application was filed for restoration of disability pension granted to the applicant in respect of second disability which has no connection at all with remaining two disabilities in respect of which the present Original Application has been filed. Thus, the Original Application in regard to these disabilities is maintainable.

As regards delay, we are of the view that pensionary benefits specially disability pension cannot be denied on the ground of delay as it is a recurring cause of action, therefore, delay in filing the Original Application is condoned. Delay condonation application stands disposed off accordingly.

O.A. No. 345 of 2023

Case needs adjudication.

Admit.

Shri Ashish Kumar Singh, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived.

Respondents may file Counter Affidavit within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit.

List on **11.07.2023**.

(Vice Admiral Atul Kumar Jain)
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 (Sl. No. 53)

T.A. No. 70 of 2022

Ex. MWO (HFO) Rishi Kumar Sharma Applicant
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Asheesh Agnihotri, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents. Transferred Application is allowed. 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;">(Vice Admiral Atul Kumar Jain) 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 - By Circulation

R.A. No. 20 of 2023 with M.A. No. 483 of 2023 in re : O.A. No. 137 of 2021

Union of India & Others Applicants
By Legal Practitioner for the Applicants : Shri Arun Kumar Sahu, Advocate

Versus

Ex. Swr. Himmat Singh Respondent
By Legal Practitioner for Respondent: None

Notes of the Registry	Orders of the Tribunal
	<p><u>12.04.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>The file has been placed before us by Circulation.</p> <p>The Review Applicants have filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicants have prayed for review and setting aside the judgement and order dated 06.10.2021 of this Tribunal passed in Original Application No.137 of 2021 by which respondents have been directed to grant disability element to the applicant @20% for life to be rounded off to 50% for life w.e.f. three years preceding the date of filing of Original Application.</p> <p>There is a delay of 01 year and 03 days (total 368 days) in filing of leave to application.</p> <p>The applicants – Union of India & Others pleaded that delay in filing leave to appeal is not deliberate. They further pleaded that after receiving the judgment from AFT Legal Cell Headquarters Madhya UP Sub Area it was sent to Office-in-Charge, Armoured Corps, Records, Ahmednagar Camp and Chief of the Army Staff, thereafter higher authorities instructed to forward the legal opinion. After getting the legal opinion from Central Government Standing Counsel the respondents have directed to AFT Legal Cell MUBSA to file Review Application against the order. Thus, delay is not deliberate, but for the reasons stated above.</p> <p>On going through the pleadings of the applicants – Union of India & others and considering the facts and circumstances of the case, we find that explanation offered by the applicants for delay in filing Review Application is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.</p>

Further, It is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed.

For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-

“1. Application for review of judgment.- (1) any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record , or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”

In view of the principles of law laid down by the Hon’ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon’ble Supreme Court in Para 9 of its judgment in the case of ***Parsion Devi and others vs. Sumitri Devi and others***, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

“9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self- evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

Further, the Hon’ble Supreme Court in Para 26 of its judgment in the case of ***S. Madhusudhan Reddy Versus V. Narayana Reddy and Others***, Civil Appeal Nos. 5503-04 of 2022, decided on 18.08.2022, has observed as under :-

“26. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court’s jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made

despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason sufficient on grounds, at least analogous to those specified in the rule”

In the light of the legal position crystalized above, we have gone through the judgment and order sought to be reviewed and no illegality or irregularity or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

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

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

Leave to Appeal is also **dismissed** being time barred as well as on merit.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-