

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

O.A. No. 989 of 2023 with M.A. No. 1318 of 2023

Ex. Sub. (Clk SD) Hari Pal 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 Vishvesh Kumar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Vishvesh Kumar, 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.2. Heard Shri K.K.Singh Bisht, Ld. Counsel for the applicant and Shri Vishvesh Kumar, Ld. Counsel for the respondents.3. This Original Application has been filed seeking direction to the respondents to conduct the Release Medical Board (RMB) and grant disability element to the applicant. There is a delay of 11 months and 14 days in filing of Original Application.4. Delay is condoned for the reasons stated in the affidavit filed in support of the delay condonation application.5. Delay condonation application stands disposed off. <p><u>O.A. No. 989 of 2023</u></p> <ol style="list-style-type: none">6. It is submitted by the Ld. Counsel for the applicant that applicant's claim has been wrongly rejected by the respondents.7. Case needs adjudication.8. Admit.9. 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.10. List on 18.10.2023. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1(Suppl. No. 2)

Ex. A. No. 270 of 2023 Inre O.A. No. 614 of 2022

Ex. POA (AH) Ramesh Chander

Applicant

By Legal Practitioner for the Applicant : Wg. Cdr. Ajit Kakkar (Retd.), 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. 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.2. Heard Shri R.K. Awasthi holding brief for Wg. Cdr. Ajit Kakkar (Retd.) Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.3. The instant execution application has been filed by the applicant for noncompliance of the order dated 31.01.2023 passed by this Tribunal in OA No. 614/2022.4. Ld. Counsel for the respondents prays for and is granted two weeks' time to seek instructions and to file compliance report5. List on 11.10.2023. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(Suppl. No. 3)

M.A. No. 1320 of 2023 with M.A. No. 1321 of 2023 Inre O.A. No. 283 of 2022

Union of India & Others

Applicants

By Legal Practitioner for the Applicants : Shri Ashish Kumar Singh, Advocate

Versus

Hav. Sanjay Samanta

Respondents

By Legal Practitioner for Respondents :

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Ashish Kumar Singh, Ld. Counsel for the applicants – Uol&Others .2. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 05.07.2023 of this Tribunal in Original Application No. 283 of 2022.3. Through this petition Ld. Counsel for the applicant submitted that applicant wants to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 10 days in filing of application be condoned.4. 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.5. Upon hearing submission of Ld. Counsel for the both the parties, we find that no point of law of general public importance is involved so that leave may be granted.6. Accordingly, Leave to Appeal is dismissed. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

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

Ex. A. No. 318 of 2022 Inre O.A. No. 239 of 2021

Ex. NK. Dhurvijai Singh Applicant
By Legal Practitioner for the Applicant : Shri Bhanu Pratap 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Bhanu Pratap Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Shri R.K. Tiwari, Sr. Account Officer, PCDA (P), Prayagraj.2. Ld. Counsel for the respondents stated that PPO has been issued and Compliance affidavit has been filed. Compliance affidavit filed by the respondents is taken on record to which the applicant may file his objections, if any, within two weeks.3. Ld. Counsel for the applicant submits that cost has not been paid. Respondents are directed to deposit the cost on or before the next date.4. List on 27.09.2023. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 2)

Ex. A. No. 25 of 2023 Inre O.A. No. 218 of 2021

Ex. Hav. Arvinda Singh Applicant
By Legal Practitioner for the Applicant : Shri Yashpal Singh, 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>2. Ld. Counsel for the respondents stated that government sanction has been accorded and PPO shall be issued shortly. He seeks further time to file compliance affidavit. Four weeks time is granted on the condition that if compliance affidavit is not filed by the next date fixed, respondents shall have to pay cost of Rs. 5,000/- which shall be remitted to the applicant.</p> <p>3. List on 27.09.2023.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 3)

O.A. No. 82 of 2022

Rect. Harish Gangwar Applicant
By Legal Practitioner for the Applicant : Shri Ashok Kumar, Advocate
Shri Akhilesh Kumar Maurya, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri R.C. Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing none present for the applicant. Shri R.C. Shukla, Ld. Counsel for the respondents is present.</p> <p>2. Supplementary CA filed on behalf of the respondents is taken on record. Applicant may file reply/ say over the supplementary CA on or before the next date of hearing.</p> <p>3. List on 05.10.2023.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

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

O.A. No. 543 of 2022

Ex. Sub. Jai Narayan Rajput Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.2. Ld. Counsel for the applicant stated that he is filing rejoinder affidavit during the course of the day.3. List on 06.10.2023.4. Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench on the next date. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Sl. No. 5)

M.A. No 6 of 2023 with O.A. No 6 of 2023

Ex. Rfn Manoj Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Shri Bachchan Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents on application for condonation of delay.</p> <p>Instant O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 challenging the order by which applicant has been dismissed from service being deserter with effect from 29.04.2014.</p> <p>There is a delay of 05 years, 01 month in filing Original Application.</p> <p>Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not deliberate. His further submission is that Records, the Rajputana Rifles letter dated 03.11.2017 was in reply to legal notice dated 18.08.2017 which was not received by the applicant. The applicant sent a reminder and then Records office of the Rajputana Rifles forwarded copy of the letter dated 03.11.2017 under a covering letter dated 30.09.2020. Further the applicant was under treatment at Gupta Neurology & Skin Clinic Aligarh from 28.11.2020 to 27.01.2022. He tried to rejoin service by approaching the Training Centre as well as the Transit Camp where he was told that unit has moved to peace station. He also tried to surrender in the Training Centre several times but he was not allowed. Finally he somehow managed to surrender before the Training Centre on 27.05.2022 with the help of one Ex Sub Dhirendra Singh where he was given a letter for the final settlement of accounts. Learned counsel for the applicant submitted that Hon'ble Allahabad High Court has held in para 11 of a case Dodram Vs Collector, Pilibhit & Others reported in 2015 (3) JCLR 659 (All) which states that <i>"It may be noticed that the order impugned in the revision was passed on 20.02.2014 and the revision was filed on 02.05.2014. The limitation for filing the revision under Section 122 -B (4-A) of the Act is thirty days from the date of the order, therefore, the revision could be filed up to 22.03.2014 whereas it was filed on</i></p>

02.05.2014. He has calculated the limitation from the date of impugned order in revision without excluding the period of limitation of thirty days, therefore, the observation of the collector that it was barred by time by two months ten days is illegal. Otherwise also the order of eviction was challenged before the Court where the matter of eviction of the petitioner from the house and its demolition was involved, therefore, this was matter which could not be thrown out on the ground of delay particularly in the circumstances when the delay is not inordinate, mala fide or without there being any explanation for condonation of the same". Learned counsel for the applicant in his submission stated that delay in filing Original Application is not deliberate, but for the reasons stated above. He pleaded that in view of the above, liberal approach be taken and application for condonation be allowed.

Ld. Counsel for the respondents vehemently opposed the prayer and has submitted that long delay of more than 05 years has not been properly and satisfactorily explained. His further submission is that the applicant has been declared absentee/deserter with effect from 29.04.2014, as such the original cause of action arose on 29.04.2014. He has relied upon the law laid down by the Hon'ble Apex Court in the case of **Balwant Singh (dead) Vs. Jagdish Singh and Others**, reported in (2010) 8 SCC 685 and pleaded for dismissal of delay condonation application as well as Original Application being time barred.

We have heard learned counsels of both the parties. Learned counsel for the applicant has tried to justify the 5 years delay on certain compelling reasons relating to illness of the applicant as well as late receipt of Records The Rajputana Rifles letter dated 03.11.2017. He has, however, failed to explain the delay in moving the application. Desertion from service is not a recurring cause of action. The cause of action in the instant case started from the date of desertion from service. He moved a belated application for redressal of his grievance.

Section 22 of the Armed Forces Tribunal Act, 2007 provides for limitation. It reads as under:

"22. Limitation. —(1) The Tribunal shall not admit an application—

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 21 has been made unless the application is made within six months from the date on which such final order has been made;

(b) in a case where a petition or a representation such as is mentioned in clause (b) of sub-section (2) of section 21 has been made and the period of six months has expired thereafter without such final order having been made;

(c) in a case where the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years

immediately preceding the date on which jurisdiction, powers and authority of the Tribunal became exercisable under this Act, in respect of the matter to which such order relates and no proceedings for the redressal of such grievance had been commenced before the said date before the High Court.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may admit an application after the period of six months referred to in clause (a) or clause (b) of sub-section (1), as the case may be, or prior to the period of three years specified in clause (c), if the Tribunal is satisfied that the applicant had sufficient cause for not making the application within such period.”

We would like to deal with the issue of limitation raised in the instant case in light of proposition of law as laid down by the Hon'ble Apex Court in catena of decisions. In the case of ***D. Gopinathan Pillai versus State of Kerala and another***, reported in (2007) 2 SCC 322, the Hon'ble Apex Court has observed as under:

“5. We are unable to countenance the finding rendered by the Sub-Judge and also the view taken by the High Court. There is no dispute in regard to the delay of 3320 days in filing the petition for setting aside the award. When a mandatory provision is not complied with and when the delay is not properly, satisfactorily and convincingly explained, the court cannot condone the delay, only on the sympathetic ground. The orders passed by the learned Sub-Judge and also by the High Court are far from satisfactory. No reason whatsoever has been given to condone the inordinate delay of 3320 days. It is well-considered principle of law that the delay cannot be condoned without assigning any reasonable, satisfactory, sufficient and proper reason. Both the courts have miserably failed to comply and follow the principle laid down by this Court in a catena of cases. We, therefore, have no other option except to set aside the order passed by the Sub-Judge and as affirmed by the High Court. We accordingly set aside both the orders and allow this appeal.”

In view of the settled proposition of law, as laid down by the Hon'ble Apex Court in ***Mewa Ram (Deceased by L.Rs) &Ors v. State of Haryana***, AIR 1987 SC 45, ***State of Nagaland v. Lipok AO &Ors***, AIR 2005 SC 2191 and ***D. Gopinathan Pillai v. State of Kerala &Anr***, AIR 2007 SC 2624, the applicant was under obligation to give cogent and valid reasons for the delay. Time and again it has been held by the Hon'ble Apex Court that if the law provides for a limitation, it is to be enforced even at the risk of hardship to a particular party, as the Judge cannot, on applicable grounds, enlarge the time allowed by law, postpone its operation or introduce exceptions not recognised by law. The law of limitation has to be applied with all its rigour. The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play. We are, therefore, not inclined to accept such a plea as raised by the applicant, which is wholly unjustified and cannot furnish any ground for ignoring delay and laches. (Vide

General Fire and Life Assurance Corporation Ltd v. Janmahomed Abdul Rahim, AIR 1941 PC 6, P.K. Ramachandran v. State of Kerala & Anr, AIR 1998 SC 2276, Esha Bhattacharjee v. Raghunathpur Nafar Academy & Ors, (2013) 12 SCC 649, Basawaraj v. Land Acquisition Officer, (2013) 14 SCC 81, State of Karnataka & Ors v. S.M. Kotrayyqa & Ors (1996) 6 SCC 267, Jagdish Lal & Ors v. State of Haryana and Ors, AIR 1997 SC 2366 and M/s Rup Diamonds & Ors v. Union of India and Ors, AIR 1989 SC 674).

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.

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

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

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

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Ravindra Nath Kakkar)
Member (J)

Ukt/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 6)

O.A. No. 149 of 2023

Cpl. Pramod Kumar Pathak (Dismissed) Applicant
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>2. Ld. Counsel for the respondents prays for and is granted last opportunity of four weeks to file counter affidavit.</p> <p>3. List on 10.10.2023.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 7)

O.A. No. 190 of 2023

Ex Sgt R Shridhar
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>21.08.2023.</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Shri Prabhat Kumar Tripathi, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents on maintainability of the case.</p> <p>Learned counsel for the respondents has raised objection against maintainability of the case. He submitted that applicant by means of instant O.A. has prayed for home posting as well as premature discharge. Matter of posting is not covered under AFT Act, hence this O.A. is not maintainable before this Tribunal.</p> <p>On the other hand, learned counsel for the applicant submitted that applicant has filed instant O.A. with the prayer to set aside order dated 07.12.2022 by means of which application dated 09.04.2021 filed by the applicant was rejected. In the application dated 09.04.2021, applicant had prayed for premature discharge which was rejected by the respondents. Applicant submitted another application dated 18.10.2021 for home posting which was not considered. In this application, applicant has prayed for premature discharge from service on extreme compassionate ground and there is nothing regarding home posting. Objection raised by the respondents is rejected.</p> <p style="text-align: center;">Matter needs adjudication.</p> <p style="text-align: center;">Admit.</p> <p>Learned counsel for the respondents prays for and is granted 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 26.10.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>Ukt/-</p>

Form No. 4

{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 8)

O.A. No. 293 of 2023

HMT Sandeep Kumar

Applicant

By Legal Practitioner for the Applicant : Col. R.C. Jain (Vetran) , Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Dr. Shailendra Shrama Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Col. R.C. Jain (Vetran), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. Ld. Counsel for the respondents submits that para-wise comments have been received and seeks time to file Counter Affidavit. As a last opportunity four weeks further time is allowed to file CA, on the condition that if Counter affidavit is not filed by the next date fixed, respondents shall have to pay cost of Rs. 5,000/- which shall be remitted to the applicant.</p> <p>3. List on 03.10.2023.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 9)

O.A. No. 437 of 2023

Ex. Sep. Ashish Kumar Singh 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. 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>2. Ld. Counsel for the respondents seeks further two weeks time to file counter affidavit. Time as prayed is allowed as a last opportunity.</p> <p>3. List on 06.10.2023.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 10)

O.A. No. 527 of 2023

Ex. Hav. Jaya Prakash Tiwari Applicant
By Legal Practitioner for the Applicant : Shri K.P.Datta, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Preeti Mala , Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri K.P.Datta, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p>2. Ld. Counsel for the respondents submits that CA is ready and the same shall be filed during the course of the day. Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.</p> <p>3. List on 04.09.2023.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</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. 528 of 2023

Ex. MWO Sagir Ahmed Applicant
By Legal Practitioner for the Applicant : Shri Amit Asthana, Advocate
Ms. Alka Saxsena, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Ms. Alka Saxsena, Ld. Counsel for the applicant and Shri Pushendra Mishra, Ld. Counsel for the respondents.2. Counter affidavit filed by the respondents is taken on record.3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.4. Original Application is partly allowed.5. Detailed order on separate sheets.6. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(Sl. No.12)

O.A. No. 529 of 2023

Ex. Sub. Ashok Kumar Tripathi Applicant
By Legal Practitioner for the Applicant : Shri Mahendra Kumar 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Ld. Counsel for the respondents prays for and is granted further four weeks to file counter affidavit as a matter of last opportunity.</p> <p>3. List on 09.10.2023.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 13)

O.A. No. 584 of 2023

Sgt. Birendra Kumar Patel (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Mahendra Kumar Singh, 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>2. Ld. Counsel for the respondents submits that comments have been received and seeks time to file counter affidavit. Last opportunity of two week's time is granted to the respondents for filing the counter affidavit.</p> <p>3. List on 09.10.2023.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</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. 585 of 2023

Ex. Sub. Basappa Gurappa Rudrapuri Applicant
By Legal Practitioner for the Applicant : Shri K.K.S. Bisht, 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri K.K.S.Bisht, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.2. Counter affidavit filed by the respondents is taken on record.3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.4. Original Application is allowed.5. Detailed order on separate sheets.6. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</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. 586 of 2023

Ex. Sub. Ananda Naik Applicant
By Legal Practitioner for the Applicant : Shri K.K.S. Bisht, 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri K.K.S. Bisht, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.2. Counter affidavit filed by the respondents is taken on record.3. Ld. Counsel for the applicant is not inclined to file rejoinder affidavit.4. Original Application is allowed.5. Detailed order on separate sheets.6. Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed of. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 16)

Dairy No. 1909 of 2023 Inre O.A. No. 661 of 2022

Ex. GDSM Birendra Upadhyay Applicant
By Legal Practitioner for the Applicant : Shri Manish Kuamr Rai, 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>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Mahendra Kumar Singh holding brief for Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.2. Defects raised by the registry has been removed by way of filing the certified copy of the impugned order. Registry is directed to allot regular number to this petition.3. Ld. Counsel appearing for the applicant submits that arguing counsel is unwell and seeks adjournment.4. Adjourned.5. List on 18.09.2023. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 17)

O.A. No. 660 of 2020

Ex. Rect. Heera Singh Applicant
By Legal Practitioner for the Applicant : Shri Virendra Kuamr Gupta, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri R.C. Gupta, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Virendra Kuamr Gupta, Ld. Counsel for the applicant and Shri R.C. Gupta, Ld. Counsel for the respondents are present.</p> <p>2. Written submissions filed on behalf of the respondents is taken on record. Copy of the same has been handed over the applicant's counsel.</p> <p>3. Heard the parties and perused the records.</p> <p>4. Order reserved.</p> <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1(SI. No. 18)

O.A. No. 389 of 2021

Ex. Gnr. Kaleshwar Sah Applicant
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.) , Advocate
Shri Rohit Kumar, Advocate

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>21.08.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Ashish Kumar Singh holding brief for Shri Amit Jaiswal, Ld. Counsel for the respondents are present.2. Ld. Counsel appearing on behalf of the respondents seeks adjournment.3. Adjourned.4. List on 08.09.2023.5. Ld. Counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench on the next date. <p>(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar) Member (A) Member (J)</p> <p>RK/-</p>