

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

**O.A. No. 202 of 2023 with M.A. No. 205 of 2023**

**Ex. Sgt. Chander Prakash** 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: justify;">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 style="text-align: justify;">Heard Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This Original Application has been filed for the grant of disability pension. There is a delay of 05 months and 14 days in filing of Original Application. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 202 of 2023</u></b></p> <p style="text-align: justify;">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 style="text-align: justify;">Case needs adjudication. Admit.</p> <p style="text-align: justify;">Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p style="text-align: justify;">List on <b>04.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 205 of 2023 with M.A. No. 214 of 2023**

**Ex. Nb. Sub. Suresh Chandra Chauhan** Applicant  
By Legal Practitioner for the Applicant : Shri K.P. Datta, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Arvind Kumar Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Arvind Kumar 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 K.P. Datta, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 06 months and 16 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 205 of 2023</u></b></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 <b>04.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 206 of 2023**

**Col. Satyaroop (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri S.G. Singh, Advocate  
Shri Anand Kumar Yadav, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></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 S.G. Singh and Shri Anand Kumar Yadav, 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.</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 <b>04.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 207 of 2023**

**Col. Pushkar Saluja (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri S.G. Singh, Advocate  
Shri Anand Kumar Yadav, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></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 S.G. Singh and Shri Anand Kumar Yadav, 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.</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 <b>04.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 208 of 2023**

**Brig. Rakesh Kumar Bhatia** Applicant  
By Legal Practitioner for the Applicant : Shri S.G. Singh, Advocate  
Shri Anand Kumar Yadav, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></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 S.G. Singh and Shri Anand Kumar Yadav, 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.</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 <b>04.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 6)**

**O.A. No. 209 of 2023 with M.A. No. 216 of 2013**

**Ex. Hav. Palav Vithoba Kashiram** 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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></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 K.K. Singh Bisht, 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.</p> <p>There is a delay of 05 years, 09 months and 03 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 209 of 2023</u></b></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 <b>08.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**Court No. 1 (Sl. No. 7)**

**O.A. No. 210 of 2023 with M.A. No. 218 of 2023**

**Ex. Sgt. Manoj Kumar Singh** Applicant  
By Legal Practitioner for the Applicant : Shri Mahendra Kumar Singh, Advocate  
Shri Ravi Kumar Yadav, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Adesh Kumar Gupta, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Adesh Kumar Gupta, 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 Mahendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 05 months and 18 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 210 of 2023</u></b></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 <b>08.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 211 of 2023 with M.A. No. 219 of 2023**

**Ex. L/Nk. Deepak yadav** 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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></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 Mahendra Kumar Singh, 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.</p> <p>There is a delay of 05 months and 18 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 211 of 2023</u></b></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 <b>08.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>



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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 9)**

**O.A. No. 213 of 2023 with M.A. No. 220 of 2023**

**Ex. Rect. Pradeep Kumar** 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 D.K. Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></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 Manoj Kumar Awasthi and Shri Anshuman Srivastava, 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.</p> <p>There is a delay of 24 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 213 of 2023</u></b></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 <b>08.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> 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. 10)**

**O.A. No. 214 of 2023 with M.A. No. 221 of 2023**

**Ex. WO Amarjit Singh** Applicant  
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate  
Ms. Upasna Mishra, Advocate  
Shri Gopal Dwivedi, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Asheesh Agnihotri, 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, Ms. Upasna Mishra and Shri Gopal Dwivedi, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 03 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><b><u>O.A. No. 214 of 2023</u></b></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 <b>08.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 215 of 2023 with M.A. No. 222 of 2023**

**Ex. HFO Narendra Nath Rai** 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 Rajiv Narayan Pandey Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Rajiv Narayan 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, Ms. Upasna Mishra and Shri Kapil Sharma, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>There is a delay of 03 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><b><u>O.A. No. 215 of 2023</u></b></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 <b>08.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 39 of 2023 Inre : O.A. No. 458 of 2022**

**Ex. Hony. Capt. Akhilesh Kumar** Applicant  
By Legal Practitioner for the Applicant : Shri Rohitash Kumar Sharma, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Shri Alok Kumar 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 Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.</p> <p>This is an application filed under Section 29 of the Armed Forces Tribunal Act, 2007 seeking implementation of order dated 06.10.2022 of this Tribunal in Original Application No. 458 of 2022 by means of which respondents have been directed to grant disability element of pension @20% for life 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 the order.</p> <p>It is submitted by the Ld. Counsel for the respondents that order has not been complied yet.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on <b>19.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
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**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 13)**

**Ex. A. No. 40 of 2023 Inre : O.A. No. 505 of 2019**

**Ex. L. Nk. Mithlesh Kumar** Applicant  
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate  
Shri S.S. Rajawat, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Dr. Chet Narayan Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri S.S. Rajawat, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>This is an application filed under Section 29 of the Armed Forces Tribunal Act, 2007 seeking implementation of order dated 18.03.2021 of this Tribunal in Original Application No. 505 of 2019 by which respondents have been directed to grant disability element of pension to the applicant @20% for life to be rounded off to 50% for life with effect from three years prior to filing of the Original Application within a period of four months 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 been complied yet.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>List on <b>19.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 14)**

**M.A. No. 208 of 2023 Inre : O.A. No. 630 of 2022**

**Ex. JWO O.N. Trivedi** Applicant  
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate  
Shri D.K. Dixit, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Shri Alok Kumar Mishra, Advocate appears on behalf of the respondents and files Memo of Apperance which is taken on record.</p> <p>Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.</p> <p>For the reasons stated in affidavit filed in support of application, correction application is allowed.</p> <p>In the order dated 02.02.2023 the name of Counsel for the applicant be corrected as "<b>Shri D.K. Dixit</b>" in place of "Shri R.K. Singh".</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 15)**

**M.A. No. 217 of 2023 Inre : O.A. No. 551 of 2022**

**Ex. Nk. Abhinay Singh** Applicant  
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p><b><u>M.A. No. 217 of 2023</u></b></p> <p>Ms. Anju Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</p> <p>Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>This application has been filed seeking correction in father's name and address of the applicant in the Original Application as well as in the order passed in the Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that a typographical error has occurred in the father's name of the applicant and address of the applicant which needs rectification. In support of application copy of discharge book has been filed wherein father's name of applicant is shown as "<b>Sahdev Singh</b>". In medical documents filed in support of application as well as Counter Affidavit the permanent address is shown as <b>Village – Narpura, Post Office – Narpura, District Bagpat, State – Uttar Pradesh.</b></p> <p>In view of the above, rectification sought in the Original Application as well as in the order needs to be allowed.</p> <p>Accordingly, correction application is allowed.</p> <p>Let necessary correction in the Original Application as well as in the order be made.</p> <p>Application stands disposed off accordingly.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**R.A. No. 12 of 2023 with M.A. No. 202 of 2023 Inre : O.A. No. 319 of 2015**

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

**Versus**

**Ex. Nk. Sanjay Kumar Singh** Respondent  
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Heard Ms. Deepti Prasad Bajpai, Ld. Counsel for the applicants – Union of India &amp; others</p> <p><b><u>M.A. No. 202 of 2023</u></b></p> <p style="text-align: center;">For the reasons stated in affidavit filed in support of delay condonation application, delay in filing the Review Application is condoned.</p> <p><b><u>R.A. No. 12 of 2023</u></b></p> <p style="text-align: center;">This application has been filed to review the order dated 01.10.2021 in Original Application No. 319 of 2015 by which the respondent herein has been allowed to get third financial upgradation treating him notionally in service from the date of discharge till completion of 24 years of service i.e. 31.08.2013 without back-wages for the period mentioned above.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicants herein that respondent herein was enrolled in the Army on 18.08.1989 and promoted to the rank of Naik with effect from 16.08.2000. He was granted MACP-II with effect from 01.09.2008 in terms of 6<sup>th</sup> CPC. He was granted two years service extension for the period 18.08.2011 to 17.08.2013, however, he got injured in his left hand index finger during the above period, with the result he was placed in low medical category and discharged from service with effect from 30.04.2023 prior to completion of 24 years of service. Thus it is submitted by the Ld. Counsel for the applicants herein that respondent herein had not completed the terms of 24 years for the grant of third financial upgradation, therefore, the order needs to be reviewed.</p> <p style="text-align: center;">We have gone through the order passed in the Original Application and we find that this plea was taken by the applicants herein in the Counter Affidavit they have filed and after considering the same the Original Application has been allowed treating respondent herein notionally to be in service from</p>



the date of discharge till completion of 24 years of service i.e. 31.08.2013 without back-wages. The order being consciously passed after giving full consideration to the pleas taken by the applicants herein, we do not find any error apparent on the face of record so that the order may be reviewed.

With the result 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. 16)**

**Leave to Appeal Inre : O.A. No. 319 of 2015**

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

**Versus**

**Ex. Nk. Sanjay Kumar Singh** Respondent  
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p><b><u>Leave to Appeal</u></b></p> <p>Heard Ms. Deepti Prasad Bajpai, Ld. Counsel for the applicants – Union of India &amp; others.</p> <p>After the dismissal of Review Application, Ld. Counsel for the applicants – Union of India orally submitted that applicants – Union of India may be granted Leave to Appeal.</p> <p>Upon hearing submission of Ld. Counsel for the applicants – Union of India &amp; Others, we find that no point of law of general public importance is involved so that leave may be granted.</p> <p>Accordingly, Leave to Appeal is <b>dismissed</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <span style="margin-left: 100px;"><b>(Justice Umesh Chandra Srivastava)</b></span> <b>Member (A)</b> <span style="margin-left: 100px;"><b>Member (J)</b></span></p> <p>AKD/-</p>

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

**R.A. No. 13 of 2023 with M.A. No. 203 of 2023 & M.A. No. 212 of 2023**  
**Inre : O.A. No. 379 of 2020**

**Union of India & Others** Applicants  
By Legal Practitioner for the Applicants : Shri Yogesh Kesarwani, Advocate

**Versus**

**Ex. Sigm. Rohitash Gurjar** Respondent  
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Heard Shri Yogesh Kesarwani, Ld. Counsel for the applicants – Union of India &amp; others.</p> <p>There is a delay of 09 months and 16 days in filing of Review Application.</p> <p>Submission of Ld. Counsel for the applicants – Union of India &amp; Others is that delay in filing Review Application is not deliberate. His further submission is that since Ministry of Defence has various channels and tables to take decision and necessary action regarding the judicial order the delay is entail and after going through the order in the Original Application the authority sought legal opinion of the Central Government Counsel. After getting opinion in the month of December, 2022 instructions were given to the counsel to prepare the draft of the Review Application. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p>Having heard the submission of Ld. Counsel for the applicants – Union of India &amp; 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 applicants have utterly failed in the present case.</p> <p>We have also 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.</p> <p>In the result, we find that delay is not condonable.</p> <p>Accordingly, delay condonation application is <b>dismissed</b>.</p> <p>Review Application is also <b>dismissed</b> being time barred as well as on merit.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <span style="float: right;"><b>(Justice Umesh Chandra Srivastava)</b></span> <b>Member (A)</b> <span style="float: right;"><b>Member (J)</b></span></p> <p style="text-align: left;">AKD/-</p>

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

**R.A. No. 14 of 2023 with M.A. No. 213 of 2023 Inre : O.A. No. 98 of 2022**

**Union of India & Others** Applicants  
By Legal Practitioner for the Applicants : Shri Namit Sharma, Advocate

**Versus**

**Ex. Sgt. V.K. Chahar** Respondent  
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Herd Shri Namit Sharma, Ld. Counsel for the applicants – Union of India &amp; Others.</p> <p><b><u>M.A. No. 213 of 2023</u></b></p> <p style="text-align: center;">There is a delay of 05 months and 08 days in filing of Review Application.</p> <p style="text-align: center;">For the reasons stated in affidavit filed in support of delay condonation application, delay is <b>condoned</b>. Delay condonation application stands disposed off accordingly.</p> <p><b><u>R.A. No. 14 of 2023</u></b></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 08.08.2022 of this Tribunal passed in Original Application No. 98 of 2022 by which the respondents have been directed to grant disability element to the applicant @40% for life to be rounded off to 50% for life from the next date of his discharge within a period of four months from the date of receipt of a certified copy of order. The applicants herein have filed this Review Application on the ground that on one hand the Tribunal has relied on the judgment of Hon'ble Supreme Court in Narsingh Yadav case while passing the impugned judgment whereas on the other hand the Hon'ble Tribunal failed to consider in this regard following the case laws ought to have been referred in which the Hon'ble Supreme Court of India and the Hon'ble AFT (PB), New Delhi has ordered in favour of Union of India.</p> <p style="text-align: center;">The order of which review has been sought was passed by the Bench comprising of (Hon'ble Mr. Mr. Justice Umesh Chandra Srivastava, Member (J) and Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A) (since</p>

transferred to AFT, Regional Bench, Mumbai).

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 and the order being consciously passed after giving full consideration to the pleas taken by the applicants herein, 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, Review Application is **rejected**.

**(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. 19)**

**Ex. A. No. 26 of 2018 Inre : T.A. No. 178 of 2009**

**Sriram Pandey** Applicant  
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate  
Shri Sachindra Pratap Singh, Advocate

**Versus**

**Defence Secretary, Ministry of Defence, Govt. of Indai & Others** Respondents  
By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate  
Shri D.C. Lohumi, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Heard Shri Yashpal Singh and Shri Sachindera Pratap Singh, Ld. Counsel for the applicant, Shri Amit Jaiswal, Ld. Counsel for the respondent Nos. 1 to 3 and Shri D.C. Lohumi, Ld. Counsel for the respondent Nos. 4 and 5.</p> <p>It is submitted by the Ld. Counsel appearing for the respondent Nos. 1 to 3 that entire cost imposed by the Tribunal amounting to Rs.60,000/- has been deposited in the registry of this Tribunal vide Cheque dated 12.12.2018 and 26.03.2019. Thus, it is submitted that since the costs have been paid by the respondents, Execution Application has rendered infructuous and should be dismissed as such.</p> <p>Per contra, Ld. Counsel appearing for the applicant submitted that Cheque dated 12.12.2018 of Rs.35,000/- which is said to have been deposited with the registry of this Tribunal is in the name of the applicant and the same being outdated after expiry of three months it can not be now encashed. As regards Cheque dated 26.03.2019 of Rs.25,000/- the same being in the name of AFT, Regional Bench, Lucknow, report regarding its encashment from the registry may be called before disposing of the Execution Application.</p> <p>Let report be called from the registry regarding the abovementioned Cheques and the matter be listed for hearing on <b>22.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 20)**

**Ex. A. No. 94 of 2021 Inre : O.A. No. 38 of 2020**

**Ex. Sub. (Hony. Capt.) Paramhans Yadava** Applicant  
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>It is submitted by the Ld. Counsel for the applicant that despite PPO being issued in November, 2022, no payment has been received by the applicant yet.</p> <p>Applicant is to file updated copy of pass-book of his pension account within two weeks.</p> <p>List on <b>22.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>



**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 21)**

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

**Ex. Cfn. Anil Kumar** Applicant  
By Legal Practitioner for the Applicant : Shri Ved Prakash, Advocate  
Shri Devendra Kumar, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Vinay Pandey, Advocate holding brief of Shri Devendra Kumar, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p style="text-align: center;">Ld. Counsel for the applicant submits that Execution Application may be dismissed being infructuous as the order has been complied with.</p> <p style="text-align: center;">Accordingly, Execution Application is <b>dismissed</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A) <span style="margin-left: 150px;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 22)**

**Ex. A. No. 114 of 2022 Inre : O.A. No. 244 of 2021**

**Ex. Hav. Narendra Singh** Applicant  
By Legal Practitioner for the Applicant : Shri Parijaat Belaura, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Ld. Counsel for the respondents submits that in compliance of the order PPO has been issued and amount has been credited in applicant's account. As regards Re-Survey Medical Board a letter was issued to the applicant to approach Military Hospital for conduct of Re-Survey Medical Board.</p> <p>Ld. Counsel to seek instruction regarding conduct of Re-Survey Medical Board and file affidavit of compliance within four weeks.</p> <p>List on <b>06.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 23)**

**Ex. A. No. 207 of 2022 Inre : O.A. No. 296 of 2020**

**Col. Suresh Pratap Singh (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rahul Dev Tripathi, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and 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 against decision dated 22.10.2021 of this Tribunal the respondents have filed Civil Appeal Diary No. (s) 29509 of 2022 in the Hon'ble Supreme Court wherein the Hon'ble Supreme Court has been pleased to condone the delay and issued notice to the applicant herein returnable within four weeks. Thus, he submits that since Appeal against the decision of this Tribunal is pending adjudication, hearing in Execution Application be adjourned.</p> <p>A copy of order dated 27.01.2023 passed by the Hon'ble Supreme Court in Civil Appeal Diary No. (s) 29509 of 2022 was produced before us for our perusal and on its perusal it appears that though Civil Appeal has been admitted for hearing, but the operation of order is not stayed. Respondents are, therefore, directed to either bring the stay order within four weeks from today or to make compliance of the order.</p> <p style="text-align: center;">List on <b>13.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 24)**

**Ex. A. No. 243 of 2022 Inre : O.A. No. 649 of 2021**

**Ex. MWO Raj Kumar Upadhyay** Applicant  
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that implementation of the order is in progress.</p> <p>Let affidavit of compliance be filed within three weeks.</p> <p>List on <b>05.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 25)**

**Ex. A. No. 306 of 2022 Inre : O.A. No. 612 of 2021**

**Ex. MWO Sureshy Chandra Dwivedi** Applicant  
By Legal Practitioner for the Applicant : Shri Sudhir Kumar Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Sudhir Kumar Singh, 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 three weeks further time is granted to file SPARSH PPO.</p> <p>List on <b>13.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 26)**

**Ex. A. No. 317 of 2022 Inre : O.A. No. 455 of 2021**

**Ravi Shankar Singh**  
In Person

Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents : Shri G.S. Sikarwar, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Ravi Shankar Singh, the applicant, in person and Shri G.S. Sikarwar, 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 affidavit of compliance.</p> <p>List on <b>06.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 27)**

**Ex. A. No. 319 of 2022 Inre : O.A. No. 740 of 2020**

**Ex. Nk. Rajvir** Applicant  
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Mahendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p>Supplementary Compliance Report has been filed by the respondents which is taken on record.</p> <p>In affidavit filed in support of supplementary compliance report it is stated that in compliance of the order Re-Survey Medical Board of the applicant was held at R &amp; R Hospital, Delhi Cantt. On 22.09.2022. In the Re-Survey Medical Board the applicant's disability "NEW SPUTUM SMEAR AND CULTURE NEGATIVE PULMONARY TUBERCULOSIS" has been assessed @10% which being less than 20% and applicant being discharged from service on completion of terms of engagement, he is not entitled to disability element of pension.</p> <p>No objection has been filed against supplementary compliance report rather it is requested to pass appropriate order in the matter.</p> <p>In view of the fact that applicant has been discharged on completion of terms of engagement and Re-Survey Medical Board assessed applicant's disability below 20% (@10%) and as such he is not entitled to disability element in addition to service pension, Execution Application is not maintainable and is liable to be dismissed as such.</p> <p>Accordingly, Execution Application is <b>dismissed</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <span style="float: right;"><b>(Justice Umesh Chandra Srivastava)</b></span> <b>Member (A)</b> <span style="float: right;"><b>Member (J)</b></span></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)**

**O.A. No. 70 of 2022**

**Ex. MWO Dkinesh Kumar Dwivedi** Applicant  
By Legal Practitioner for the Applicant : Shri Abhay Kant Upadhyay, Advocate  
Shri Karuna Kant Upadhyay, Advocate  
Shri Raj Kumar Mishra, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p>Rejoinder Affidavit filed by the applicant is taken on record.</p> <p>List on <b>13.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A) <span style="margin-left: 150px;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>



**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 29)**

**O.A. No. 526 of 2022**

**Ex. L/Nk. Indra Kant Jha** 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 Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>No Counter Affidavit has been filed yet.</p> <p>Let it be filed within two weeks failing which opportunity shall stand closed.</p> <p>List on <b>23.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 30)**

**O.A. No. 730 of 2022**

**Sgt. Vindhyachal (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri Abhay Kant Upadhyay, Advocate  
Shri Neel Kant Upadhyay, Advocate  
Shri Raj Kumar Mishra, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing S Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on <b>29.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 31)**

**O.A. No. 731 of 2022**

**JWO Mukesh Kumar Singh Bisht** Applicant  
By Legal Practitioner for the Applicant : Shri Bipin Kumar Sharma, Advocate\  
Shri Kapil Sharma, Advocate  
Shri Raj Kumar Mishra, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on <b>23.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A) <span style="margin-left: 150px;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 32)**

**O.A. No. 736 of 2022**

**Ex. Sgt. Ajeet Kumar**

Applicant

By Legal Practitioner for the Applicant : Shri Ved Prakash, Advocate  
Shri Devendra Kumar, Advocate  
Shri Vinay Pandey, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Yogesh Kdsarwani, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on <b>05.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 33)**

**O.A. No. 742 of 2022**

**Ex. JWO Gyan Prakash Sharma** Applicant  
By Legal Practitioner for the Applicant : Shri Ved Prakash Pandey, Advocate  
Shri Rakesh Kumar Singh, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Adesh Kumar Gupta, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Ved Prakash Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p>Original Application is <b>dismissed</b>.</p> <p>For orders, see our order passed on separate sheets.</p> <p>Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 34)**

**O.A. No. 808 of 2022**

**Col. Sudhir Govil (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate  
Shri Mahendra Kumar Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Heard Shri Shailendra Kumar Singh and Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>Original Application is <b>allowed</b>.</p> <p>For orders, see our order passed on separate sheets.</p> <p>Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 35)**

**O.A. No. 825 of 2022**

**Ex. Sep/MT Hemanth Kumar B.** Applicant  
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Mahendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>As prayed, list on <b>03.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 36)**

**O.A. No. 854 of 2022**

**Ex. Sgt. Sanjay Kumar Singh** Applicant  
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate  
Shri Vishnu Kant Awasthi, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Arvind Kumar Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Heard Shri Vijay Kumar Pandey and Shri Vishnu Kant Awasthi, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p>Original Application is <b>allowed</b>.</p> <p>For orders, see our order passed on separate sheets.</p> <p>Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>



**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 37)**

**O.A. No. 868 of 2022**

**Cdr. Satish Kumar** Applicant  
By Legal Practitioner for the Applicant : Shri Veer Raghav Chaubey, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Veer Raghav Chaubey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents is present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on <b>29.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A) <span style="margin-left: 100px;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 38)**

**O.A. No. 870 of 2022**

**Ex. Ris. Dilip Singh** Applicant  
By Legal Practitioner for the Applicant : Shri Alok Kumar Singh, Advocate\  
Shri Dharam Veer Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Alok Kumar Singh and Shri Dharam Veer Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents.</p> <p>Original Application is <b>allowed</b>.</p> <p>For orders, see our order passed on separate sheets.</p> <p>Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 39)**  
**O.A. No. 876 of 2022**

**Ex. Nk. (TS) Bishram Singh** Applicant  
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.), Advocate  
Shri Rohit Kumar, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit.</p> <p>List on <b>16.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

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

**Court No. 1 (Sl. No. 40)**

**O.A. (A) No. 251 of 2021 with M.A. No. 73 of 2023**

**Hav. Abdul Wasim Khan**

Applicant

By Legal Practitioner for the Applicant : Shri Virat Anand Singh, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p><b><u>M.A. No. 73 of 2023</u></b></p> <p style="text-align: justify;">Heard Shri Virat Andn Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: justify;">This application has been filed seeking amendments in the Memo of Appeal filed by the applicant under Section 15 of the Armed Forces Tribunal Act, 2007 against findings of General Court Martial.</p> <p style="text-align: justify;">It is submitted by the Ld. Counsel for the applicant that certain grounds have been left to be taken in Appeal when it was filed.</p> <p style="text-align: justify;">Ld. Counsel for the respondents has vehemently opposed the amendments on the ground that they are related to facts and being not taken earlier when the Appeal was filed the same cannot be allowed during final hearing.</p> <p style="text-align: justify;">Upon hearing submissions of Ld. Counsel of both sides and considering that amendments cannot be disallowed on the ground of delay, more so when they are related to grounds to be taken in the Memo of Appeal, we are of the view that amendments should be allowed.</p> <p style="text-align: justify;">Accordingly, amendment application is allowed.</p> <p style="text-align: justify;">Let amendments in the Memo of Appeal be incorporated today and amended copy of Appeal be filed within three days after serving its copy to the Ld. Counsel for the respondents, who will have two weeks time to file Counter Affidavit to the amended pleadings.</p> <p style="text-align: justify;">Amendment application stands disposed off accordingly.</p> <p style="text-align: justify;">List on <b>27.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 41)**

**O.A. (A) No. 788 of 2022**

**Ex. LAC Madhav Singh** Applicant  
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on <b>03.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A) <span style="margin-left: 150px;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 42)**

**O.A. No. 265 of 2014**

**Abhishek Pandey**

Applicant

By Legal Practitioner for the Applicant : Shri T.N. Tiwari, Advocate  
Wg. Cdr. S.N. Dwivedi (Retd.), Advocate  
Shri Lohitaksha Shukla, 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Heard arguments of Shri Lohitaksha Shukla, Ld. Counsel appearing for the applicant and Shri R.C. Shukla, Ld. Counsel appearing for the respondents.</p> <p style="text-align: center;">The arguments could not be concluded due to paucity of time.</p> <p style="text-align: center;">List tomorrow i.e. on <b>02.03.2023 as part heard case.</b></p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 43)**

**O.A. No. 537 of 2017**

**Dinesh Kumar** Applicant  
By Legal Practitioner for the Applicant : Ms. Navita 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><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Written Synopsis has been filed by the Ld. Counsel for the applicant which is also taken on record. Heard arguments of Ms. Navita Sharma, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents assisted by Sqn. Ldr. Ashutosh Pandey, Departmental Representative for the respondents. Hearing concluded. Judgment reserved.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A) <span style="margin-left: 100px;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>

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

**Ex. A. No. 1 of 2018 with M.A. No. 147 of 2021 Inre : T.A. No. 1290 of 2010**

**Arvind Kumar Katiyar** Applicant  
By Legal Practitioner for the Applicant : Shri Sudhir Kumar Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>An Affidavit of compliance has been filed by the respondents which is taken on record.</p> <p>Heard Shri Sudhir Kumar Singh, Ld. Counsel appearing for the applicant and Shri Kaushik Chatterjee, Ld. Counsel appearing for the respondents assisted by Sqn. Ldr. Ashutosh Pandey, Departmental Representative for the respondents.</p> <p>It is submitted by the Ld. Counsel for the respondents that in compliance of the order a sum of Rs.1,39,149/- which includes 25% salary for the period with effect from 26.04.2002 to 31.08.2005 and the cost Rs.50,000/- has been paid to the applicant.</p> <p>It is further submitted that a sum of Rs.25,000/- as cost is remaining to be paid to which respondents have made an application for waiver. Thus, it is submitted that since the order has been complied with, Execution Application be dismissed being infructuous.</p> <p>Per contra, Ld. Counsel for the applicant submitted that since entire cost has not been paid, only Rs.50,000/- has been paid and leave encashment of 196 days is also remaining, necessary direction be issued to the respondents.</p> <p>In regard to payment of leave encashment of 196 days an affidavit dated 14.07.2022 was filed by the respondents along with which Misc. Debit/Credit Voucher has been filed. The Voucher shows that in regard to payment of leave encashment of 196 days Rs.58,656/- has been credited in applicant's account vide Voucher dated 22.03.2022. Thus, leave encashment stands paid.</p> <p>As regards cost, Rs.50,000/- has already been paid. Now only Rs.25,000/- is remaining to which it is requested that the same be waived.</p>



Considering that order passed by this Tribunal has been complied with and only a sum of Rs.25,000/- is remaining towards cost, the same is waived. With this the order stands fully complied with.

Accordingly, Execution Application is dismissed being infructuous.

Let copy of this order be provided to the Ld. Counsel for the respondents/Departmental Representative for the respondents.

**(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 (Suppl. Sl. No. 2)**

**O.A. No. 700 of 2022**

**WO Babu Ram (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri Abhay Kant Upadhyay, Advocate  
Shri Madan Pal Vats, Advocate  
Shri Raj Kumar Mishra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.03.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Raj Kumar Mishra, Ld. Counsel appearing for the applicant and Shri Arun Kumar Sahu, Ld. Counsel appearing for the respondents.</p> <p>The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for issuing direction to the respondents to conduct Re-Survey Medical Board and to assess adequate disability percentage in the light of attributability certificate approved by HQ Western Air Command (Annexure – A2) in a time bound manner as expeditiously as possible.</p> <p>Ld. Counsel for the respondents submits that at the time of discharge from service the applicant was in medical category A4G1 as such there is no need for issuing direction to hold Re-Survey Medical Board (RSMB) to assess the disability of the applicant.</p> <p>Briefly stated facts of the case are that the applicant was enrolled in the Indian Air Force on 21.09.1983 and discharged from service on 30.09.2021 (FN) on attaining the age of superannuation in medical Category A4G1. As per statement of the applicant, he applicant sustained injury on 25.10.2019 during the performance of Air force duty and injury was considered as attributable to service. He was diagnosed as a case of PIVD L4-L5 vide injury report dated 29.11.2019. Thereafter, the applicant underwent periodical medical examination on 21.09.2020 and he was found fit in medical classification A4G1 as he had no problem in his spine. The Release Medical Examination held at 46 Wing, Air Force on 24.12.2020 assessed the applicant fit to be released from service in medical classification A4G1.</p> <p>Upon hearing submission of Ld. Counsel of both the parties and</p>

considering the facts and circumstances of the case, we **dispose of** the Original Application finally with the direction to the respondents to conduct Re-Survey Medical Board (RSMB) of the applicant to assess his disability for deciding entitlement of disability element of disability pension. Respondents are further directed to give effect to the order within four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment

Let copy of this order be provided to the learned Counsel for the parties.

**(Vice Admiral Atul Kumar Jain)**  
Member (A)

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

AKD/-