

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

O.A. No. 603 of 2023

Lt. Col. Kartikeyan Rao Applicant
By Legal Practitioner for the Applicant : Shri Piyush Thakran, Advocate
Shri Udghosh Thakran, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Preliminary objection has been filed by the respondents in Court which is taken on record.2. Heard Shri Piyush Thakran, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.3. Learned counsel for the applicant submits that applicant has filed this application under section 14 of the Armed Forces Tribunal Act, 2007 against communication dated 09.05.2023 issued by Discipline & Vigilance, HQ Uttar Bharat Area. By means of this communication, applicant has been informed that General Court Martial against him will assemble on 31.05.2023.4. Learned counsel further submits that GCM can not conduct trial against the applicant being commenced after three years from the date offence alleged to have been committed by the applicant came to the knowledge of the authority competent to take action in the matter. As per section 122 of the Army Act, 1950, trial against applicant should commence within three years from the date of knowledge of the offence to the competent authority to take action, and not beyond. Trial against applicant is to take place under order dated 19.07.2016 of Delhi High Court passed in W.P. (C) 7916/2013, C.M. Nos. 3076/2015 & 4847/2017.5. Learned counsel further submits that GCM against co accused Brig. Rajesh Anand (Retd.) has been stayed by AFT, Regional Bench, Chandigarh by order dated 21.12.2022 in M.A. 1392 of 2022 and O.A. 1878 of 2022, copy whereof has been filed as Annexure-A - 10.6. Learned counsel for the respondents submits that Original Application is not maintainable being filed against the order of attachment of the applicant which falls under the preview of transfer. He further submits that present court-

martial is continuation/extension of earlier court-martial held against the applicant, and hence not barred by time. Earlier court-martial held against applicant was dissolved by order dated 15 April 2021 of the convening authority after retirement of one of its member on 30th September 2020.

7. Learned counsel admits that co-accused Brig. Rajesh Anand has filed Original Application against his trial wherein reassembly of GCM has been deferred. He also admits that for certain reasons GCM was not assembled on 31.05.2023.

8. Keeping in view the aforesaid, we direct the respondents to file detailed reply in Original Application within four weeks from today. In the meanwhile, assembly of GCM will remain deferred.

9. List on **02.08.2023**.

10. Let copy of this order be provided to the Ld. Counsel for both the parties for compliance.

(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. 1)

Ex. A. No. 2 of 2021 with M.A. No. 180 of 2021 Inre O.A. (A) No. 98 of 2014

Lt. Col. Subash Chandra Pandey Applicant
By Legal Practitioner for the Applicant: Shri Bhanu Pratap Singh Chauhan, Advocate
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents assisted by Capt. Uma Yadav, Departmental Representative for the respondents.</p> <p>2. Ld. Counsel for the respondents submits that order has been fully complied with. Applicant has been paid 50% back wages for the period 15.03.2024 to 29.05.2019 in the ordinary scale of Lt. Col. And thereafter from 30.05.2019 to 14.02.2022 in the scale of Lt. Col. Time Scale. Applicant has also been paid arrears of full pay and allowances from the date of judgment i.e. 30.05.2019 till his reinstatement i.e. 14.02.2022. He has been paid interest on the arrears also @9% as stated in the order. Thus, he submits that now nothing remains to be complied with on the part of the respondents. Ld. Counsel further submits that payment has been credited in applicant's account after deducting income tax as per rules.</p> <p>3. Ld. Counsel for the applicant, on the other hand, submits that respondents had to make complete compliance of the order as they have credited Rs.64,04,431/- against Rs.1,16,94,517/-. They have also not paid House Rent Allowance for the period applicant was out from service and even Children Education Allowance.</p> <p>4. In support, no calculation sheet has been filed by the applicant. Applicant is, therefore, directed to file calculation sheet stating therein details of his entitlements and also the payment received within a period of eight weeks.</p> <p>5. List on 21.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 2)

Ex. A. No. 18 of 2021 Inre O.A. No. 320 of 2019

Sgt. Rohitash Kumar Sharma

Applicant

By Legal Practitioner for the Applicant : In Person

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Kaushik Chatterjee, Ld. Counsel for the respondents is present and he states that stay order dated 29.04.2022 still holds good as the same has not been vacated, only the case has been tagged with Civil Appeal Diary No(s). 20140 of 2022, Union of India & Others Versus Ex. Sepoy Dubel Singh.</p> <p>2. List on 25.09.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 3)

Ex. A. No. 10 of 2022 Inre O.A. No. 259 of 2015

Ex. Spr. Jaivir Singh Applicant
By Legal Practitioner for the Applicant : Shri K.K. Misra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. Corrigendum Government Sanction is still awaited.</p> <p>3. On the request of Ld. Counsel for the respondents four weeks further time is granted to make compliance of the order. It is directed that in the event of order being not complied with within given time respondents will be liable to pay Rs.5,000/- as cost to the applicant.</p> <p>4. List on 26.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 41 of 2022 Inre O.A. No. 258 of 2018

Ex. Gnr. Ashish Kumar Pandey Applicant
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Yashpal Singh, Ld. Counsel for the applicant, Ms. Anju Singh, Ld. Counsel for the respondent Nos. 1 to 4 assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6.</p> <p>2. Mohd. Zafar Khan, Ld. Counsel appearing for the respondent Nos. 5 and 6 submits that interest on arrears has been paid to the applicant with effect from 16.06.2021, the date on which the Government Sanction was accorded and not from the date of judgment i.e. 08.01.2019.</p> <p>3. As per order, in the event of default, interest is payable from the date of judgment i.e. 08.01.2019. Respondent Nos. 5 and 6 are, therefore, directed to pay interest to the applicant at the rate directed in the order from the date of judgment i.e. 08.01.2019 and file affidavit of compliance.</p> <p>4. List on 21.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 171 of 2022 Inre O.A. No. 472 of 2020

Ex. Hav. Yogesh Jhadbade Applicant
By Legal Practitioner for the Applicant : Col. A.K. Srivastava (Retd.), Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri G.S. Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing no one is present on behalf of the applicant.2. Shri G.S. Sikarwar, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj is present.3. Affidavit of compliance filed by the respondents is taken on record.4. Ld. Counsel for the respondents submits that order has been complied with. Arrears has been credited in applicant's account besides regular payment of disability element Rs.7,506/- per month.5. In view of the above, order seems to have been complied with.6. Accordingly, Execution Application is dismissed being infructuous. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 186 of 2022 Inre O. A. No. 333 of 2021

Ex. POME Anand Kishore Singh Applicant
By Legal Practitioner for the Applicant : Shri Parijaat Belaura, 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>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing no one is present on behalf of the applicant nor is there any mention to pass over the case.2. Shri Arun Kumar Sahu, Ld. Counsel for the respondent Nos. 1 to 4 assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj is present .3. Notice to respondent Nos. 5 and 6 could not be issued due to steps being not taken by the applicant.4. PPO has been issued and it is in terms of order. Thus, order seems to have been complied with.5. Accordingly, Execution Application is dismissed being infructuous. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 335 of 2022 Inre O.A. No. 606 of 2021

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

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Amrita Chakraborty, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri R. Chandra, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>2. PPO in the case has been issued.</p> <p>3. As per PPO Rs.4,11,104/- will be credited in applicant's account towards arrears. Applicant is already in receipt of disability element @Rs.11,325/- per month since March, 2023. Copy of PPO has been handed over today in Court to the Ld. Counsel for the applicant.</p> <p>4. In view of the above, order stands complied with.</p> <p>5. Accordingly, Execution Application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 8)

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Alok Kumar Mihsra, Ld. Counsel for the respondents are present.2. Government Sanction is still awaited.3. On the request of Ld. Counsel for the respondents four weeks further time is granted to file affidavit of compliance.4. List on 02.08.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 66 of 2023 Inre O.A. No. 94 of 2022

Ex. HFO Jay Kumar Prasad Applicant
By Legal Practitioner for the Applicant : Shri Sudhir Kumar Singh, 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>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.2. Government Sanction is still awaited.3. On the request of Ld. Counsel for the respondents four weeks further time is granted to file affidavit of compliance4. List on 02.08.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. No. 67 of 2023 Inre O.A. No. 1014 of 2022

Ex. Sub. Bhim Singh Applicant
By Legal Practitioner for the Applicant : Shri Ashok Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Vikas Singh Chauhan, Advocate holding brief of Shri Ashok Singh, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents assisted by Capt. Uma Yadav, Departmental Representative for the respondents are present.</p> <p>2. Capt. Uma Yadav, Departmental Representative for the respondents states that representation submitted by the applicant has been considered and rejected by speaking order dated 11.05.2023. Copy of speaking order is available with her and she undertakes to give its copy to the Ld. Counsel for the applicant by today only.</p> <p>3. With the above, the order stands complied with.</p> <p>4. Accordingly, Execution Application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 64 of 2023

Ex. Gnr. (MACP) Satish Kumar Yadav Applicant
By Legal Practitioner for the Applicant : Shri Ashok Singh, Advocate
Shri Vikas Singh Chauhan, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Manu Kumar Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. As prayed by the Ld. Counsel for the respondents, two weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 18.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 65 of 2023

Ex. L.D. Vikram Singh

Applicant

By Legal Practitioner for the Applicant : Shri K.P. datta, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Shyam Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri K.P. Datta, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>2. As prayed by the Ld. Counsel for the respondents, two weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 18.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 185 of 2023

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

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>2. As prayed by the Ld. Counsel for the respondents, two weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 21.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 15)

O.A. No. 211 of 2017

Bhupendra Gavar

Applicant

By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Maj. Vinay Sharma (Retd.), Advocate
Shri Kapil Sharma, 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><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>2. As prayed, list on 02.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 463 of 2021

Ex. L/NK (TS) MT Ram Nath Singh Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, 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><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.2. Original Application is dismissed.3. For orders, see our order passed on separate sheets.4. Misc. Application(s), pending if any, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 17)

O.A. (A) No. 474 of 2018

Mukesh Kumar through his wife Smt. Pooja Devi Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. A written submission has been filed by the Ld. Counsel for the applicant which is taken on record.</p> <p>3. List on 11.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. (A) No. 205 of 2021

Sep. Pawan Chandra Bhatt through mother Smt. Kamla Devi Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh , Advocate
Shri Ravi Kumar Yadav, 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><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Shailendra Kumar Singh and Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. As prayed, list on 14.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 1097 of 2022

Air Cmde T.P. Srivastava (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Amit Asthana, 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><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Counter Affidavit filed by the respondents is taken on record.2. Heard Shri Amit Asthana, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.3. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for issuing direction to the respondents to treat the applicant's disability, viz. 'Coronary Artery Disease' as attributable to and/or aggravated by the Air Force service and to assess the applicant's disability @30% or above for life, which is to be rounded off to @50% from the date of his superannuation i.e. 31.12.2021 and to constitute Re-Survey Medical Board (RSMB) to re-assess the present medical condition of applicant and if any disability percentage would assess then grant disability element of disability pension from 31.12.2021 in proposed assessment.4. It is submitted by the Ld. Counsel for the applicant that the applicant was commissioned on 17.12.1988 and superannuated from service on 30.09.2021. At the time of retirement, Release Medical Board (RMB) held in May, 2021 the applicant's ECG revealed an abnormality, that is presence of q-waves in the inferior leads with clinically and structurally normal heart and following the discovery of the abnormality, the applicant was advised to undergo Myocardial Perfusion Imaging (MPI). After the applicant superannuated on 31.12.2021, not feeling comfortable, the applicant reported to Dr. Sumeet Sethi, a Cardiologist with Max Hospital, Saket, New Delhi, who immediately advised detailed check. The Cardiologist at BHDC advised for angiography on priority, which was conducted on 15.02.2022. The Angioplasty revealed that the condition of arteries of the heart was not good and that the Left Anterior Descending Artery (LADA) was more than 90% blocked. Accordingly, an emergency basis, three stents were placed in the applicant's

LADA. Applicant's claim for the grant of disability element (Post Discharge Claim) was rejected vide letter dated 08.09.2022. I

5. Per contra, Ld. Counsel for the respondents submits that at the time of retirement 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. He further submits that applicant's case for Post Discharge Claim (PDC) with respect of his disability was processed with the competent medical authorities for their decision as per the existing Government provisions. However, the competent higher medical authority has rejected the PDC claim stating that the requirements for conduct of PDC are not fulfilled in his case as per Para 8 (a) of Entitlement Rules for Casualty Pensionary Awards – 2008 which reads as under :-

“Cases in which a disease was not present at the time of member's retirement/discharge from service but arose within 7 years thereafter, may be recognized as attributable to service if it can be established by the competent medical authority that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge.”

6. Upon hearing submission of Ld. Counsel of both the parties and considering the facts and circumstances of the case we are of the considered view that a disease which was not present at the time of applicant's retirement from service but arose within seven years thereafter, may be considered as attributable to service only if it is established by the competent medical authority i.e. Re-Survey Medical Board (RSMB) that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge.

7. In view of the above, RSMB of the applicant is required to be conducted to ascertain whether the applicant's disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to retirement.

8. Accordingly, 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

9. 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/-

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. 225 of 2023

Ex. Sub. Ash Mohammad Khan 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 Bipin Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Counter Affidavit filed by the respondents is taken on record.2. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.3. Original Application is allowed.4. For orders, see our order passed on separate sheets.5. Misc. Application(s), pending if any, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 226 of 2023

Ex. WO Shyam Ji Singh 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 : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>01.06.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Raj Kumar Mishra, Ld. Counsel appearing for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel appearing for the respondents.</p> <p>2. Ld. Counsel for the respondents submits that applicant has filed this Original Application for the disabilities (i) 'Primary Hypertension @30% for life (old)' and (ii) 'CAD-Interior Wall Myocardial Infarction DVD, post PCI to RCX/LCS, TVD post CABGS (Old)' @50% for life, suffered while in service. The similar issue in reference to the fact whether 'Diabetes Mellitus'/ 'Primary Hypertension' to be considered as attributable to or aggravated by military service is consideration by the Hon'ble Apex Court in Civil Appeal Diary No.30205 of 2021. Thus, the Ld. Counsel submits that hearing of the case be adjourned till decision of Civil Appeal Diary No. 30205 of 2021 and Civil Appeal Diary No. 41580 of 2022.</p> <p>3. The copies of Memo of Civil Appeal Diary No. 30205 of 2021 and Civil Appeal Diary No. 41580 of 2022 are not available on the record.</p> <p>4. Respondents are directed to file the copies of Memo of Civil Appeal Diary No. 30205 of 2021 and Civil Appeal Diary No. 41580 of 2022 by the next date fixed.</p> <p>5. List on 18.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>