

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

R.A. No. 6 of 2023 with M.A. No. 106 of 2023 Inre : O.A. No. 75 of 2022

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

Versus

Ex. Sgt. Shrawan Kumar Respondent
By Legal Practitioner for Respondent : Shri Manoj Kumar Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri Pushpendra Mishra, Ld. Counsel for the applicants herein – Union of India & Others and Shri Manoj Kumar Awasthi, Ld. Counsel for the respondent herein.</p> <p><u>M.A. No. 106 of 2023</u></p> <p style="text-align: center;">There is a delay of 05 months and 19 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 condoned. Delay condonation application stands disposed off accordingly.</p> <p><u>Review Application No. 6 of 2023</u></p> <p style="text-align: center;">This is an application to review the order dated 05.07.2022 in Original Application No. 75 of 2022 by which while allowing the Original Application the respondents have been directed to grant disability element of the pension treating the disability 'Chronic Otitis Media (OPTD) with hearing loss ear (H 66.0, Z09.0)' (15-19%) @ 20% for life (in accordance with relevant Rule of Guide to Medical Officers, 2008).</p> <p style="text-align: center;">It is submitted that when discharged from service on completing the term of engagement the applicant was in low medical category for the disability assessed @15-19%. Disability being less than 20% no disability element of disability pension was allowed. Aggrieved with degree of assessment applicant filed application under section 14 of the Armed Forces Tribunal Act,2007 for the grant of disability element of pension treating the disability @20% for life. This application was allowed vide judgement and order dated 05.07.2022 in Original Application No. 75 of 2022. It was observed that as per Para 20 of Guide to Medical Officers, any disability concerning to loss in hearing can be assessed @ 20% and above depending upon loss in hearing but in any case it can't be assessed below 20% .</p>

It is further submitted that Para 20 of Guide to Medical Officers talks about assessment for loss in hearing. In the Para it is provided that sensory neural hearing loss may be measured between 20% and above depending on the degree of hearing loss. There was a wide variation and disparity in the recommendations of the medical board on the entitlement as well as assessment of sensory neural hearing loss during the Release Medical Board/Invaliding Medical Board. Realising this difficulty, the office of the DGAFMS, Ministry of Defence, New Delhi vide its letter dated 14 Jun 2019 has issued clarification wherein it is stated that if there is variation in degree of hearing loss in both ears, the assessment will be made taking mean of degree of hearing loss in both ears i.e. if degree of hearing loss in Rt ear is 40% and in Lt ear is 20% the assessment would be 30% taking mean of both ears i.e. $(40+20) = 30\%$. If the mean assessment of the two ears is less than 20% then the assessment should be given as 5%, 10% or 15% depending on degree of hearing loss.

It is further submitted that Tribunal has passed the order taking into account Para 20 of Guide to Medical Officers that in any case of sensory neural hearing loss assessment can not be less than 20%. It can be assessed 20% and above only depending upon degree of hearing loss. When the Tribunal passed the order the letter dated 14 June 2019 referred to herein above was not into notice of the Tribunal otherwise it would not treat the disability @ 20% being minimum degree in case of sensory neural hearing loss. The error in the order is apparent on its face which needs to be corrected.

Per contra, it is submitted that DGAFMS letter referred to herein above has no precedence over Guide to Medical Officers which says that sensory neural hearing loss may be assessed at 20% and above only depending on degree of hearing loss and secondly, it is no where stated in the report of RMB that degree of hearing loss was assessed based on the mean assessment of the hearing loss of two ears. Further, mean assessment of the two ears should be absolute i.e. 5% ,10% etc., it should not be an approximate assessment between 15-19%. In the instant case an approximate assessment between 15-19% was done by the RMB hence, the same was treated minimum as 20%, as provided in the Guide to Medical Officers, which is correct and needs no interference in the garb of review.

Undisputedly, applicant was enrolled in the Indian Air Force on 17.12.1998 and was discharged from service in low medical category for the disability 'Chronic Otitis Media (Optd) with hearing loss ears (H 66.0, Z09.9)' after completing the term of engagement. The RMB held at the time of discharge has assessed the disability between 15-19% which being less than 20%, no disability element was allowed despite disability being attributable to military service. As per Rule 153 of Pension Regulations for Indian Air Force, 1961 (Part-1), disability pension is allowed when the disability has arisen due

to military service and assessed @ 20% and above. The Tribunal while allowing the Original Application filed for the grant of disability element of disability pension has treated the disability @ 20% taking into account the provisions laid down in Guide to Medical Officers for the assessment of disability concerning sensory neural hearing loss wherein it is provided that sensory neural hearing loss can be assessed @ 20% and above depending on degree of hearing loss of the ears.

The observation regarding degree of hearing loss made by the Tribunal can not be reviewed on the premise that RMB has correctly made the assessment as per DGAFMS letter dated 14 June 2019 referred to herein above. The letter has been issued in aid to the provisions laid down in Guide to Medical Officers which clearly says that disability concerning loss in hearing may be assessed @ 20% and above depending on degree of hearing loss and it should be an absolute number, not in approximation.

In view of the above, we do not see any apparent error in the order so that the same may be reviewed.

In 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. 1)

O.A. No. 105 of 2023 with M.A. No. 101 of 2023

Ex. Hav. A.N. Yadav Applicant
By Legal Practitioner for the Applicant : Shri V.P. pandey, Advocate
Shri Rakesh Kumar Singh, Advocate
Maj. S.M. Mustafa (Retd.), Advocate
Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Bipin Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri V.P. Pandey, Shri Rakesh Kumar Singh and Maj. S.M. Mustafa (Retd.), Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 01 year and 10 months in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 105 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 29.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 109 of 2023 with M.A. No. 105 of 2023

Ex. Sgt. Shatanjay Kumar Pandey Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri J.N. Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 04 years, 09 months and 10 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 109 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 29.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 110 of 2023

Lt. Col. Ashok Kumar Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 29.03.2023.</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)

O.A. No. 112 of 2023

Lt. Col. Bagadhi Chandra Shekhar (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Ajai Kumar Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Ms. Deepti Prasad Bajpia, 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 Ajai Kumar Pandey, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>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 29.03.2023.</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. 5)

Ex. A. No. 20 of 2023 Inre : O.A. No. 369 of 2021

Ex. Swr. Yatendra Singh Mangla Applicant
By Legal Practitioner for the Applicant : Shri Parijaat Belaura, 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>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Bipin Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 09.12.2021 of this Tribunal in Original Application No. 369 of 2021. By the said order the respondents have been directed to grant disability pension @50% for five years with effect from the date of discharge and to hold Re-Survey Medical Board of the applicant to assess his further disability, if any, within a period of four months from the date of the order. The said order is said to have not been complied with.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 22.03.2023.</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. 6)

Ex. A. No. 21 of 2023 Inre : O.A. No. 843 of 2021

Dfr. Munesh Kumar Applicant
By Legal Practitioner for the Applicant : Shri Nand Kishore, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Ms. Preeti Mala, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Nand Kishore, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 02.08.2022 of this Tribunal in Original Application No. 843 of 2021. By this order the respondents have been directed to grant disability element of disability pension to the applicant @44% 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 stated that order has not been complied yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 22.03.2023.</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. 7)

Ex. A. No. 22 of 2023 Inre : O.A. No. 830 of 2021

Ex. Nb. Ris. Pradeep Kumar Singh Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Dr. S.N. Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Dr. S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 21.05.2022 of this Tribunal in Original Application No. 830 of 2021. By this order the respondents have been directed to grant disability element of disability pension to the applicant @30% 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 stated that order has not been complied yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 23.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 8)

Ex. A. No. 23 of 2023 Inre : O.A. No. 5 of 2022

Ex. Hav. (ACP Nb. Sub.) Sanjeev Kumar Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri 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>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 24.03.2022 of this Tribunal in Original Application No. 5 of 2022. By this order the respondents have been directed to grant disability element of disability pension to the applicant @40% 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 stated that order has not been complied yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 23.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

R.A. No. 5 of 2023 Inre : O.A. No. 116 of 2022

Ex. MCEAP-1 Umesh Katiyar

Applicant

By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri R.K. Singh, 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>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel appearing for the applicant and Shri Arun Kumar Sahu, Ld. Counsel appearing for the respondents.</p> <p>This application has been filed to review the order dated 09.12.2022 in Original Application No. 116 of 2022. By the said order the applicant has been allowed to get disability element of pension @20% to be rounded off to 50% and arrears have been restricted to three years prior to the date of filing of the Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was discharged in low medical category for the disability "Pulmonary Tuberculosis" which was assessed @100% for one year i.e. 01.07.1997 to 03.08.1998. The disability being attributable to Military Service applicant was granted disability element of pension for the aforesaid period and thereafter he was subjected to Re-Survey Medical Board wherein his disability being found @30% for a period of two years the disability element was granted at @30% for a period of next two years. The next Re-Survey Medical Board of the applicant was due in the year 2002, however, it was conducted in the year 2018 wherein his disability was assessed @15-19% which being below 20% the disability element was stopped. Aggrieved with report of RSMB, Original Application No.116 of 2022 was filed which was allowed and applicant was granted disability element @20% for life and arrears was restricted to three years.</p> <p>It is submitted that since the delay in holding of Re-Survey Medical</p>

Board of the applicant is not due to any fault on the part of the applicant, the arrears cannot be restricted to three years from the date of filing of the Original Application, the applicant is entitled to disability element for the intervening period also.

Case needs hearing.

List on **14.03.2023** for hearing.

(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. 11)

R.A. No. 7 of 2023 with M.A. No. 107 of 2023 Inre : O.A. No. 92 of 2021

Ex. Gdr. Hakim Singh Tomar Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Memo of Appearance filed by Shri Ramesh Chandra Shukla, Advocate on behalf of the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 107 of 2023</u></p> <p style="text-align: center;">There is a delay of 09 months and 21 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 condoned. Delay condonation application stands disposed off accordingly.</p> <p><u>R.A. No. 7 of 2023</u></p> <p style="text-align: center;">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 03.03.2022 of this Tribunal passed in Original Application No.92 of 2021 by which the Original Application has been dismissed. The Review Application has been filed inter alia on the ground that this Tribunal has not considered the definition of "Ex-Servicemen".</p> <p style="text-align: center;">The order of which review has been sought was passed by the Bench comprising of (Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)) and Hon'ble Vide Admiral Abhay Raghunath Karvey, Member (A) (since transferred to AFT, Regional Bench, Mumbai).</p> <p style="text-align: center;">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.</p> <p style="text-align: center;">For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil</p>

Procedure, 1908 is reproduced below :-

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

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

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

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

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

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

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

“26. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court’s jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason sufficient on grounds, at least analogous to those specified in the rule”

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

In the result, 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.12)

Ex. A. No. 100 of 2019 Inre : O.A. No. 144 of 2016

Sgt. Rajendra Prasad Pal (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Shri Shailendra Kumar Singh, Ld. Counsel appearing for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel appearing for the respondents assisted by Warrant Officer S.K. Mishra, Departmental Representative for the respondents.</p> <p>This Tribunal vide its order dated 10.08.2018 had while partly allowing the Original Application No. 144 of 2016 directed the respondents to notionally reinstate the applicant in service on the last rank held for a period of three years with effect from 01.07.2009 and to pay back wages for the said period @75% with all consequential benefits. It was also directed to comply the order within a period of four moths from the date of receipt of certified copy of the order, or else applicant will be entitled to receive interest @9% per annum from the due date till the actual payment.</p> <p>Admittedly, the order was not complied with in the given time.</p> <p>In pursuance of the order PPO has been issued, a copy whereof has been filed as Annexure – MA-2 to the objection filed by the applicant. In the PPO the length of service of the applicant has been shown 20 years, 00 month and 03 days whereas applicant was enrolled on 29.06.1989 and was notionally discharged on 30.06.2012 and taking this into account the length of service of the applicant comes more than what is shown in the PPO. Similarly, the date of discharge has also been wrongly shown as 30.06.2009 instead of 30.06.2012 and back wages @75% for a period of three years has been calculated for the period 10.12.2018 to 28.02.2021 in place of 01.07.2009 to 30.06.2012.</p>

The above details show that order has been incorrectly complied with. Respondents are, therefore, directed to make correct compliance of the order within four weeks.

List on **14.03.2023**.

Let copy of this order be provided to the Ld. Counsel for the respondents/Representative of the respondents 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. 13)

Ex. A. No. 33 of 2022 Inre : O.A. No. 443 of 2019

Ex. Nk. Pandu Kumar Reddy 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 Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj states that in compliance of the order Corrigendum PPO has been issued on 01.02.203 wherein some defect has cropped up, due to technical problem disability rate has been left in the PPO which needs to be rectified. He further states that two weeks will be consumed in rectification.</p> <p>Let Corrigendum PPO be issued within two weeks and compliance report be filed annexing therewith copy of Corrigendum PPO.</p> <p>Cost be deposited by the next date fixed.</p> <p>List on 02.03.2023.</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. 14)

Ex. A. No. 213 of 2022 Inre : O.A. No. 166 of 2021

Ex. Hav. Ramesh Singh Applicant
By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chauhan, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Order has not been complied yet nor the cost has been paid. Further time has been sought by the Ld. Counsel for the respondents for compliance of the order which is allowed subject payment of Rs.5,000/- as cost to the applicant.</p> <p>Order must be complied within four weeks from today or else the officer responsible for implementation of the order shall appear in person before this Tribunal on the next date fixed to explain why coercive action be not taken against him for the non-compliance of the order.</p> <p>Cost be deposited by the next date fixed.</p> <p>List on 17.03.2023.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

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

Ex. Nk. Birija Bhar Ram Applicant
By Legal Practitioner for the Applicant : Shri Prashant Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Prashant Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>Capt. B.K. Laksamba, representative from DSC Directorate is also present.</p> <p>It is submitted by the Ld. Counsel for the respondents that LPC-cum-data sheet for issuance of PPO has been processed with Principal Controller of Defence Accounts (Pension), Prayagraj vide letter dated 01.02.2023, PPO will be issued shortly.</p> <p>Affidavit of compliance may be filed within three weeks.</p> <p>In view of the above, further appearance of officer responsible for implementation of the order is dispensed with.</p> <p>List on 14.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 293 of 2022 Inre : O.A. No. 858 of 2021

Ex. Hav. (Hony. Nb. Sub.) Narendra Kumar Applicant
By Legal Practitioner for the Applicant : Shri Virendra Kumar Gupta, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, 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 that case file of the applicant for the grant of disability pension has been processed and is presently pending with Principal Integrated Financial Advisor (PIFA), Army Headquarters, New Delhi since 09.12.2022. Three weeks further time is sought to file affidavit of compliance which is allowed. It is directed that in the event of order being not complied with, the officer responsible for implementation of the order shall remain physically present in the Tribunal on the next date fixed to explain why coercive action be not taken against him for non-compliance of the order.</p> <p>List on 22.03.2023.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 376 of 2022 Inre : O.A. No. 762 of 2021

Ex. Sub. Maj. (Hony. Capt) Gaje Singh Rawat Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>It is submitted that case file of the applicant for the grant of disability pension has been processed and is presently pending with Principal Integrated Financial Advisor (PIFA), Army Headquarters, New Delhi since 09.12.2022. Three weeks further time is sought to file affidavit of compliance which is allowed. It is directed that in the event of order being not complied with, the officer responsible for implementation of the order shall remain physically present in the Tribunal on the next date fixed to explain why coercive action be not taken against him for non-compliance of the order.</p> <p>List on 22.03.2023.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 377 of 2022 Inre : O.A. No. 763 of 2021

Ex. Nb. Sub. Randhir Singh Applicant
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents three weeks further time is granted to file affidavit of compliance.</p> <p>List on 23.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 19)

Ex., A. No. 378 of 2022 Inre : O.A. No. 556 of 2021

Ex. MWO (HFO) Devendra Singh Janmeda Applicant
By Legal Practitioner for the Applicant : Shri Rohitash Kumar Sharma, 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>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents three weeks further time is granted to file affidavit of compliance.</p> <p>List on 23.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 68 of 2019

Ex. Sub. Nand Lal Gupta Applicant
By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chauhan, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</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>A Supplementary Rejoinder Affidavit has been filed today by the applicant which is taken on record.</p> <p>Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>We have perused the Original Application and we find that respondent No. 6 i.e. IC 53600K Col. Ashvini Pundir, Director OS (O & T) has been wrongly impleaded as party in the Original Application. Applicant is, therefore, directed to delete his name from the array of parties forthwith.</p> <p style="text-align: center;">List on 17.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 359 of 2022

Hav/DMT Braj Kishor Applicant
By Legal Practitioner for the Applicant : Shri Shiva Nand Mishra, Advocate
Ms. Bandana Mishra, Advocate
Chaudhary Amarpal Singh Bhatl, Advocate
Shri Nikhil Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shiva Nand Mishra, Ms. Bandana Mishra, Chaudhary Amarpal Singh Bhatl and Shri Nikhil Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>Two Misc. Applications are said to have been filed in registry by the applicant. The same are not available on record.</p> <p>Registry is directed to place the same on record.</p> <p>On going through the Original Application we find that respondent No. 5 Col. Sumit Kohli and respondent No. 6 Lt. Col. Vikas Balian have been wrongly impleaded as parties in the Original Application in their personal capacity. Applicant is, therefore, directed to delete their names from the array of parties forthwith.</p> <p>List on 22.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 446 of 2022

Ex. Sub. Ramagya Singh Kushwaha Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. Ajit Kakkar (Retd.), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>Original Application is allowed.</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;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 590 of 2022

Nk. (Musician) Kishan Kumar Applicant
By Legal Practitioner for the Applicant : Shri Rohit Kumar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</p> <p>Original Application is dismissed.</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;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

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><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri V.P. Pandey and Shri D.K. Dixit, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(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. 25)

O.A. No. 631 of 2022

Ex. Sub. Umesh Singh Kushwaha Applicant
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri R.K. Singh, 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>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri V.P. Pandey and Shri R.K. Singh, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents. Original Application is allowed. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 632 of 2022

Ex. WO Vikash Singh Applicant
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 659 of 2022

Col. Mohan Chandra Joshi Applicant
By Legal Practitioner for the Applicant : Col. H.M. Maheshwari (Retd.), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Col. H.M. Maheshwari (Retd.), Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents. Original Application is allowed. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 28)

O.A. No. 721 of 2022

Lt. Col. Madhu Mohan Dube (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Aditya Singh Puar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri Aditya Singh Puar, Ld. Counsel for the applicant and Ms. Kavita Misrha, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(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. 29)

O.A. No. 775 of 2022

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

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Mahendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit as a last chance.</p> <p>List on 02.03.2023.</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. 30)

T.A. No. 16 of 2022 with M.A. No. 521 of 2022

Ex. HFL Jai Narayan Katiyar Applicant
By Legal Practitioner for the Applicant : Shri Devendra Kumar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Shri Vinay Pandey, Advocate holding brief of Shri Devendra Kumar, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p>Transferred Application is allowed for the first and third disabilities.</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;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 164 of 2013 with M.A. No. 1406 of 2014
Along with
R.A. No. 93 of 2022 Along with O.A. No. 164 of 2013

Warrant Officer Shashi Kant Chaturvedi **Applicant**
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, 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>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">List on 13.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

T.A. No. 09 of 2021
Diary No. 5030 of 2021 AFT (PB) New Delhi

Sub. Ram Prawesh Mani Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>02.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri Rohit Kumar, Advocate holding brief of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">List on 10.02.2023 for further hearing.</p> <p style="text-align: center;">Original documents be retained by the AFT Legal cell to produce for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>