

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

O.A. No. 688 of 2023

Col. Vinod Kumar Kalra (Retd.) 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 Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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. Shri Ashish Kumar Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability element of pension.4. Ld. Counsel for the applicant submitted that applicant was commissioned in Army Ordnance Corps of Indian Army on 08.06.1991 and was superannuated from service on 28.02.2023 in low medical category S1H2(P)A1P1E1 after rendering 31 years, 08 months and 20 days of service. He further submitted that applicant's claim for the grant of disability element of pension has been denied on the ground that disability is not connected with military service.5. Case needs adjudication.6. Admit.7. Ld. Counsel for the respondents prays for and is granted four weeks time to file Counter Affidavit. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any.8. List on 11.09.2023. <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>

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

O.A. No. 689 of 2023 with M.A. No. 833 of 2023

Ex. L/Nk. Arvind Kumar Applicant
By Legal Practitioner for the Applicant : Shri K.K. Misra, 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>03.07.2023</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. Memo of Appearance filed by Dr. Chet Narayan 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.2. Heard Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is a delay of 12 years, 03 months and 15 days in filing of Original Application.5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. <p><u>O.A. No. 689 of 2023</u></p> <ol style="list-style-type: none">6. It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.7. Case needs adjudication.8. Admit.9. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.10. List on 11.09.2023. <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>

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

O.A No. 690 of 2023 with M.A. No. 834 of 2023

Col. Jagdish Prabhu K.P. (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri J.L. Joel, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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. Memo of Appearance filed by Shri Pushpendra Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri J.L. Joel, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is no delay in filing of Original Application, however, an application for condonation of delay has been filed which being not required is dismissed. <p><u>O.A. No. 690 of 2023</u></p> <ol style="list-style-type: none">5. 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.6. Case needs adjudication.7. Admit.8. 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.9. List on 11.09.2023. <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>

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

O.A. No. 693 of 2023 with M.A. No. 839 of 2023

Smt. Asha Rawat W/o Late Jeet Singh Applicant
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate
Shri Narendra Kumar Mishra, 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>03.07.2023</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. Memo of Appearance filed by Shri Amit Jaiswal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri Narendra Kumar Mishra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of life time arrears of disability pension to the applicant after condoning delay of 41 years, 08 months and 25 days in filing the Original Application.4. Ld. Counsel appearing for the respondents pointed out that reliefs claim in para 8 of the Original Application are not in consonance with the para 4.1 as there is no prayer for the grant of family pension to the applicant in the relief clause. Ld. Counsel for the respondents further submitted that respondents intend to file objection against delay condonation application as there is long delay of more than 41 years in the filing of Original Application.5. Ld. Counsel for the applicant prays for and is granted two weeks time to seek amendment in the relief clause of the Original Application.6. As regards delay, objection, if any, may be filed within two weeks.7. List on 11.08.2023. <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>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 5)

O.A. No. 694 of 2023 with M.A. No. 840 of 2023

Ex. Hav. Ram Singh Basnet Applicant
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate
Shri Narendra Kumar Mishra, 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>03.07.2023</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. Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri Narendra Kumar Mishra, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is a delay of 07 years, 06 months and 15 days in filing of Original Application.5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.6. 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><u>O.A. No. 694 of 2023</u></p> <ol style="list-style-type: none">7. Case needs adjudication.8. Admit.9. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.10. List on 11.09.2023. <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>

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

O.A. No. 695 of 2023 with M.A. No. 841 of 2023

Ex. L/Nk Sahadev Thapa Applicant
By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate
Shri Narendra Kumar Mishra, 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>03.07.2023</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. Shri Ashish Kumar Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri Narendra Kumar Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.3. There is a delay of 37 years, 05 months and 27 days in filing of Original Application regarding which an application for condonation of delay has been filed.4. Ld. Counsel for the respondents prays for and is granted two weeks time to file objection against delay condonation application.5. List on 11.08.2023. <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>

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

O.A. No. 697 of 2023

Cdr. Vineet Sharma (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Ms. Upasna Mishra, Advocate
Shri Kapil Sharma, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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. 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.2. Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. 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.5. Case needs adjudication.6. Admit.7. 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.8. List on 11.09.2023. <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>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 8)

O.A. No. 699 of 2023 with M.A. No. 847 of 2023

Ex. Hav. (Hony Nb Sub) Shyam Singh Applicant
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri R.K. Singh, Advocate
Maj. S.M. Mustafa (Retd.), Advocate
Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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. Memo of Appearance filed by Shri Anurag Mihsra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri R.K. Singh, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is a delay of 09 months and 03 days in filing of Original Application.5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. <p><u>O.A. No. 699 of 2023</u></p> <ol style="list-style-type: none">6. It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.7. Case needs adjudication.8. Admit.9. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.10. List on 11.09.2023. <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>

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

Ex. A. No. 147 of 2023 Inre : O.A. No. 562 of 2022

Lt. Col. Arun Kant Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri J.L. Joel, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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. Ms. Prerna Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri J.L. Joel, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents.3. This application has been for implementation of order dated 09.01.2023 of this Tribunal in Original Application No. 562 of 2022 by which respondents have been directed to grant disability element of pension to the applicant @44% for life to be rounded off to 50% for life from the next date of retirement of the applicant within a period of four months from the date of receipt of a certified copy of the order.4. The order has not yet been complied with.5. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.6. List on 23.08.2023. <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>

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

Ex. A. No. 148 of 2023 Inre : O.A. No. 796 of 2022

Maj. Syed Fraz Iqbal (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri J. L. Joel, 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>03.07.2023</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. Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri J.L. Joel, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.3. This application has been for implementation of order dated 06.01.2023 of this Tribunal in Original Application No. 796 of 2022 by which respondents have been directed to grant disability pension to the applicant @20% for life to be rounded off to 50% for life from the next date of retirement of the applicant within a period of four months from the date of receipt of a certified copy of the order.4. The order has not yet been complied with.5. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.6. List on 23.08.2023. <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>

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

Ex. A. No. 149 of 2023 Inre : O.A. 561 of 2022

Lt. Col. Bhavesh Joshi (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri J.L. Joel, 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>03.07.2023</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. 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>2. Heard Shri J.L. Joel, Ld. Counsel for the applicant and Ms. Preeti Mala , Ld. Counsel for the respondents.</p> <p>3. This application has been for implementation of order dated 09.01.2023 of this Tribunal in Original Application No. 561 of 2022 by which respondents have been directed to grant disability element of pension to the applicant @50% for life to be rounded off to 75% for life from the next date of retirement of the applicant within a period of four months from the date of receipt of a certified copy of the order.</p> <p>7. The order has not yet been complied with.</p> <p>8. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>4. List on 23.08.2023.</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.12)

Ex. A. No. 152 of 2023 Inre : O.A. No. 187 of 2020

Smt. Geeta Dixit W/o Ex. Gnr Late Mahesh Prasad Applicant
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, 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>03.07.2023</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. Memo of Appearance filed by Ms. Anju Singh, 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.2. Heard Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.3. This application has been for implementation of order dated 12.02.2021 of this Tribunal in Original Application No. 187 of 2020 by which respondents have been directed to grant 20% disability pension to the applicant for two years from the date of discharge from service and to hold applicant's Re-Survey Medical Board (RSMB) to assess entitlement of disability element beyond these two years, however, it was made clear that even if the disability falls below 20% after holding RSMB the applicant would still be eligible for continuation of service element of disability pension in accordance with Govt. policy promulgated based on the recommendations of 3rd CPC and para 186 of Pension Regulations for the Army (Part-I). The order was to be complied within four months from the date of order.4. The order has not yet been complied with.5. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instructions regarding compliance.6. List on 24.08.2023. <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>

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

Ex. A. No. 153 of 2023 Inre : O.A. No. 459 of 2022

Col. George Alexander (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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. Memo of Appearance filed by Shri Pushpendra Mihsra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.3. This application has been for implementation of order dated 06.12.2022 of this Tribunal in Original Application No. 459 of 2022 by which respondents have been directed to grant disability element of pension to the applicant @30% for life to be rounded off to 50% for life from the next date of retirement of the applicant within a period of four months from the date of receipt of a certified copy of the order.4. The order has not yet been complied with.5. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.6. List on 24.08.2023. <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>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 14)

Ex. A. No. 154 of 2023 Inre : O.A. No. 785 of 2022

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

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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. 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.2. Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.3. This application has been for implementation of order dated 20.12.2022 of this Tribunal in Original Application No. 785 of 2022 by which respondents have been directed to grant disability element of pension to the applicant @37% for life to be rounded off to 50% for life from the next date of discharge of the applicant within a period of four months from the date of receipt of a certified copy of the order.4. The order has not yet been complied with.5. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.6. List on 25.08.2023. <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>

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

Ex. A. No. 155 of 2023 Inre : O.A. No. 665 of 2022

Ex. Hav. (TTC) Praveen Kumar Guleria Applicant
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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. Memo of Appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.3. This application has been for implementation of order dated 15.12.2022 of this Tribunal in Original Application No. 665 of 2022 by which respondents have been directed to grant disability element of pension to the applicant @20% for life to be rounded off to 50% for life from the next date of discharge of the applicant within a period of four months from the date of receipt of a certified copy of the order.4. The order has not yet been complied with.5. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.6. List on 25.08.2023. <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>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 16)

M.A. No. 830 of 2023 with M.A. No. 831 of 2023 Inre : O.A. No.769 of 2022

Union of India & Others

Applicants

By Legal Practitioner for the Applicants : Dr. Gyan Singh, Advocate

Versus

Ex. L/Nk Abdul Khalik

Respondent

By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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 Dr. Gyan Singh, Ld. Counsel for the applicants -Union of India & Others.2. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 06.01.2023 of this Tribunal in Original Application No. 769 of 2022.3. It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 03 month and 25 days in filing of application be condoned.4. In view of the facts stated in affidavit filed in support of delay condonation application, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off accordingly.5. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted.6. Accordingly, Leave to Appeal is dismissed. <p 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)

M.A. No. 836 of 2023 with M.A. No. 837 of 2023 Inre O.A. No. 693 of 2022

Union of India & Others

Applicants

By Legal Practitioner for the Applicants : Shri Anurag Mishra, Advocate

Versus

Ex. Hav /SHT Ashok Kumar

Respondent

By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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 Anurag Mishra, Ld. Counsel for the applicants -Union of India & Others.2. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 13.12.2022 of this Tribunal in Original Application No. 693 of 2022.3. It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 04 month and 04 days in filing of application be condoned.4. In view of the facts stated in affidavit filed in support of delay condonation application, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off accordingly.5. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted.6. Accordingly, Leave to Appeal is dismissed. <p 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. 132 of 2022 Inre O.A. No. 234 of 2020

Ex.Sgt. Pradyumn Pathak Applicant
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, 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>03.07.2023</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 Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>2. Ld. Counsel for the applicant submits that in compliance of order applicant is being paid disability element of pension since April, 2023. Arrears of disability element of pension has not been paid to the applicant to which the submission of Ld. Counsel for the r3es is that three weeks time be granted regarding payment of arrears.</p> <p>3. Instructions may be sought within three weeks, as prayed.</p> <p>4. List on 16.08.2023.</p> <p>5. 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. 19)

Ex. A No. 345 of 2022 Inre O.A. No. 650 of 2020

Ex. Sep. Sachida Nand Shukla Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, 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>03.07.2023</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 Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p>2. The order dated 31.08.2021 directing the respondents to grant disability pension to the applicant @20% for two years from the next date of discharge of the applicant within a period of four months from the date of receipt of a certified copy of the order has not been complied with nor the officer responsible for implementation of the order is present to explain the reasons of non-compliance of the order.</p> <p>3. Nb. Sub. Mahendra Yadav, DSC Records, Cannanore, Kerala is present in person and he submits that case file of the applicant has been forwarded to the DSC Directorate for obtaining Government Sanction on 26.05.2023 from where the file has been submitted to Ministry of Defence on 16.06.2023. He prays for four weeks time to make compliance of the order which is allowed.</p> <p>4. It is directed that in the event of order being not complied with within the given time Director, DSC Directorate will appear in person in Tribunal to explain the reasons of non-compliance.</p> <p>5. List on 22.08.2023.</p> <p>6. 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. 20)

Ex. A. No. 391 of 2022 Inre O.A. No. 223 of 2022

Lt. Col. Mukesh Kumar (Retd.)

Applicant

By Legal Practitioner for the Applicant : Shri J L Joel, 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>03.07.2023</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 J.L. Joel, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>2. Shri Yogesh Kesarwani, Ld. Counsel appearing for the respondents submits that in compliance of order dated 07.07.2022 in Original Application No. 223 of 2022 the case file in respect of Lt Col. Mukesh Kumar has been submitted to the Office of Principal Integrated Financial Advisor (PIFA) (Q & M) on 02.11.2022 for financial concurrence with recommendations by staff at Service Headquarters to implement the order but nothing has been received back from there till date.</p> <p>3. On the last date i.e. 03.03.2023 four weeks further time was granted to the respondents to file compliance report on their request as a last chance and it was directed that in the event of order being not complied with respondents shall pay Rs.10,000/- as additional cost to the applicant.</p> <p>4. The cost has also not been paid till date.</p> <p>5. Director (MPRS) for DGMS (Army), AG's Branch, Integrated Headquarters of Ministry of Defence (Army), New Delhi is said to be responsible for implementation of the order.</p> <p>6. Let notice be issued to him directing him to appear in person before this Tribunal on the next date fixed to explain the reasons of non-compliance and also why coercive action be not taken against him.</p> <p>7. List on 23.08.2023.</p> <p>8. 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. 21)

Ex. A. No. 72 of 2023 Inre : O.A. No. 608 of 2021

Lt. Cdr. Vineet Walia (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Sarvesh Kumar Verma, 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>03.07.2023</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 Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>2. Shri Amit Jaiswal, Ld. Counsel appearing for the respondents submits that in compliance of order dated 19.05.2022 Government Sanction was accorded vide letter dated 23.09.2022 and vide letter dated 22.08.2022 applicant was directed to furnish four recent passport size photographs, copy of PPO and name of Hospital where he wish to undergo RAMB. He further submits that as per letter dated 20.03.2023 the applicant has been directed to refund the amount of Rs.21,63,634/- he has received towards terminal gratuity and interest.</p> <p>3. In the letter there is a mention of a letter dated 14.03.2023 as per which the above demand has been made. However, the copy of that letter is not produced before us as to in what regard the above refund has been asked.</p> <p>4. Respondents are, therefore, directed to produce the letter dated 14.03.2023 for the perusal of the Bench and to pass final order in the matter.</p> <p>5. Letter may be produced within two weeks.</p> <p>6. List on 01.08.2023.</p> <p>7. 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. 22)

O.A. No. 985 of 2022

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

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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 Col. A.K. Srivastava (Retd.) , Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>2. A Rejoinder Affidavit has been filed by the applicant which is taken on record.</p> <p>3. Ms. Appoli Srivastava, Ld. Counsel appearing for the respondents submits that applicant had preferred a Statutory Compliant against the order of denial of his promotion to the rank of Naib Subedar and the same has been considered and rejected by the competent authority vide letter dated 23.02.2023.</p> <p>4. Ld. Counsel for the applicant prays for and is granted three weeks time to seek amendment in the Original Application as he wants to challenge the order rejecting the Statutory Complaint.</p> <p>5. List on 17.08.2023.</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. 23)

O.A. No. 291 of 2023

Ex. MWO (HFO) Mahesh Kumar Gupta Applicant
By Legal Practitioner for the Applicant : Shri Ved Prakash, Advocate
Shri Devendra Kumar , Advocate
Shir Vinay Pandey, 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>03.07.2023</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 Ved Prakash, Ld. Counsel for the applicant and Shri J.N. Mishra, 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 (Sl. No. 24)

O.A. No. 292 of 2023

Ex. Spr (ACP Hav.) Shembade Satish Dnyadeo 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>03.07.2023</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 Dr. S.N. Pandey, Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>3. 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>

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

O.A. No. 295 of 2023 with M.A. No. 325 of 2023

Ex. Sgt. Ramakanta Sahoo Applicant
By Legal Practitioner for the Applicant : Shri Yogendra Pratap Singh, Advocate
Shri Manish Kumar Rai, 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>03.07.2023</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 Manish Kumar Rai, Advocate holding brief of Shri Yogendra Pratap Singh, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, 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 (Sl. No. 26)

O.A. No. 296 of 2023

Hony. Nb Sub Anil Yadav

Applicant

By Legal Practitioner for the Applicant : Shri K.P. Datta, 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>03.07.2023</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 Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>3. 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>

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

O.A. No. 297 of 2023

Hony. Lt. Pushkar Deomani Tripathi Applicant
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.) , Advocate
Shri Rohit Kumar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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 Rohit Kumar, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>2. Shri R.C. Shukla, Ld. Counsel appearing for the respondents submits that para-wise comments have been received and Counter Affidavit is under preparation and will be filed within a week which is allowed.</p> <p>3. List on 13.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 299 of 2023

Hony. Lt. Pushkar Singh Kashnyal Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate
Shri Girish Tiwari, Advocate
Shri Dheerendra Kumar Agnihotri, Advocate
Shri Sandeep Tripathi, Advocate,
Shri Vishnu Kant Awashti, 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>03.07.2023</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 Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>2. Shri Arun Kumar Sahu, Ld. Counsel appearing for the respondents states that Counter Affidavit is ready and will be filed in registry within a day or two.</p> <p>3. List on 05.07.2023.</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. 29)

O.A. No. 300 of 2023

Ex. Hav. Ved Vijay Pandey

Applicant

By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate
Shri Girish Tiwari, Advocate
Shri Dheerendra Kumar Agnihotri, Advocate
Shri Sandeep Tripathi, Advocate,
Shri Vishnu Kant Awashti, 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>03.07.2023</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. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>2. Ld. Counsel for the respondents prays for and is granted a week further time to file Counter Affidavit.</p> <p>3. List on 17.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 301 of 2023

Ex. Sub. Manish Kumar Mukesh Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate
Shri Girish Tiwari, Advocate
Shri Dheerendra Kumar Agnihotri, Advocate
Shri Sandeep Tripathi, Advocate,
Shri Vishnu Kant Awashti, 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>03.07.2023</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 Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 27.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 302 of 2023

Ex. MWO Pradip Kumar Das Applicant
By Legal Practitioner for the Applicant : Shri Ved Prakash, Advocate
Shri Devendra Kumar, Advocate
Shri Vinay Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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 Bhanu Pratap Singh Chauhan, Advocate holding brief of Shri Vinay Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>2. On the request of 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. 32)

O.A. No. 341 of 2023

Maj. Tabish Raza (Retd.)

Applicant

By Legal Practitioner for the Applicant : Shri J.L Joel, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Rajesh Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</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 J L Joel, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 23.08.2023.</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. 33)

Dairy No. 742 of 2023

Ex. Rfn. (MACP NK) Sandeep Kumar Applicant
By Legal Practitioner for the Applicant : Shri Ved Prakash, Advocate
Shri Devendra Kumar, Advocate
Shir Vinay 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>03.07.2023</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 Bhanu Pratap Singh Chauhan, Advocate holding brief of Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. Shri Bhanu Pratap Singh Chauhan, Advocate holding brief of Shri Vinay Pandey, Ld. Counsel for the applicant submits that that defects in the Original Application could not be removed due to illness of father of the Ld. Counsel for the applicant. He prays for and is granted two weeks further time for the removal of defects.</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. 34)

Dairy No. 1536 of 2023

Gp Capt. Sanjeev Kumar Singh Gosain (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar, Advocate
Shri Vinay Pandey, 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>03.07.2023</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. Memo of Appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>2. On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Advocate holding brief of Shri Vinay Pandey, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>3. Shri Bhanu Pratap Singh Chauhan, Advocate holding brief of Shri Vinay Pandey, Ld. Counsel for the applicant submits that that defects in the Original Application could not be removed due to illness of father of the Ld. Counsel for the applicant. He prays for and is granted two weeks further time for the removal of defects.</p> <p>4. 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
By Circulation

R.A. No. 34 of 2023 with M.A. No. 849 of 2023 Inre : T.A. No. 4 of 2019

Shri Virendra Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>1. The file has been placed before us by circulation.</p> <p><u>M.A. No. 849 of 2023</u></p> <p>2. For the reasons stated in affidavit filed in support of delay condonation application, delay of 21 days in filing of Review Application is condoned. Delay condonation application stands disposed off accordingly.</p> <p><u>R.A. No. 34 of 2023</u></p> <p>The applicant has filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review and setting aside the judgement and order dated 15.03.2023 of this Tribunal passed in Transferred Application No. 04 of 2019 to the extent it restricted the relief of arrears of disability pension, only to the extent of three years preceding the date of receipt of the T.A. in the Tribunal. The order reads as under:-</p> <p><i>"In view of the above, the Transferred Application No. 04 of 2019 deserves to be allowed, hence allowed for the grant of disability pension. The impugned orders, rejecting the applicant's claim for grant of disability pension, are set aside. The disability of the applicant is held as aggravated by Army Service for life. The applicant is entitled to get disability pension @30% for life from the next date of his invalidation which would be rounded off to 50% for life with effect from 01.01.1996. The respondents are directed to grant disability pension to the applicant @30% for life from the next date of his invalidation which would stand rounded off to 50% for life with effect from 01.01.1996. However, the arrears shall be restricted w.e.f. three years preceding the date application was received by this Tribunal by transfer. The date of receiving the application by this Tribunal by transfer is 01.04.2019. The respondents are further directed to give effect to this order within a</i></p>

period of 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.”

4. The applicant has sought review on the grounds that the Writ Petition (now Transferred Application) was filed on 09.08.1990 wherein the respondents had filed Counter Affidavit/Reply on 11.01.1991 and applicant had filed Rejoinder Affidavit on 19.02.1991, as such the pleadings of the parties had been completed by 19.02.1991. Meanwhile, the Counsel originally engaged by the applicant, namely, Mr. Devendra Swarup passed away around 2000 and, around 2001-2002 applicant engaged a fresh team of Counsel to hold the brief on his behalf and pursue the matter before the Hon'ble High Court. The Original record of the case went missing / misplaced from the concerned Record Section of the High Court Registry. On persistent efforts made by applicant's Counsel for years together to get the said record trace, remained futile. The records were traced only after 14-15 years, i.e. sometime in July-August, 2017. Even after the recovery of the case file the above manner, a further period of two years was consumed in its transfer to and its receipt by the Tribunal indisputably on 01.04.2019. In normal course, the case could have been transferred so, immediately after commencement of the AFT Act, i.e. after 15.06.2008.

5. 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.

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

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

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

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

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

7. 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."

8. 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"

9. 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.

10. We further find that the period of disability was assessed for a period of one year by the Medical Board but looking to the fact that after the lapse of more than 44 years it was not proper to refer the applicant's case for holding Re-Survey Medical Board and the applicant's disability was treated for life.

11. In the result, Review Application is **rejected**.

(Maj. Gen. Sanjay Singh)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-