

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 1)
O.A. No. 1119 of 2022 with M.A. No. 1335 of 2022

HFO Ram Dular Singh (Retd.)
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>06.01.2023</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>Shri Arun Kumar Sahu, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Raj Kumar Mishra, Ms. Upasna Mishra and Shri Kapil Sharma, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 1335 of 2022</u></p> <p>This application has been filed for condoning delay of 2799 days in filing of Original Application for the grant of disability pension.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant suffered disability during service being connected with service, however, claim for the grant of disability pension has been wrongly rejected on the ground of disability being neither attributable to nor aggravated by military service. It is further submitted that disability claim cannot be denied on the ground of delay.</p> <p>Ld. Counsel for the respondents, on the other hand, has vehemently opposed the prayer for condonation of delay on the ground that there is a long delay of 2799 days which has not been properly and satisfactorily explained.</p> <p>Upon hearing submissions of Ld. Counsel of both sides we find that cause shown for condonation of delay is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1119 of 2022</u></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 14.03.2023.</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. 19 of 2023

Ex. SWR (ACP Hav.) Sanjay Kumar 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>06.01.2023</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 Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Mahendra Kumar Mishra, Ld. Counsel for the applicant and Shri Ashish 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>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 14.03.2023.</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)

M.A. No. 1333 of 2022 with M.A. No. 1334 of 2022 Inre : O.A. No. 765 of 2021

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Hav. Av inash Chandra Agnihotri
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>06.01.2023</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 Dr. Gyan Singh, Ld. Counsel for the applicants herein – Union of India & Others.</p> <p style="text-align: center;">This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 03.03.2022 of this Tribunal in Original Application No. 765 of 2021.</p> <p style="text-align: center;">There is a delay of 08 months and 10 days in filing of leave to application.</p> <p style="text-align: center;">Submission of Ld. Counsel for the applicants – Union of India & Others is that delay in filing leave to appeal is not deliberate. His further submission is that after receiving the instructions from the Unit/Offices concerned and preparation instant leave to appeal has been filed without further delay. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p style="text-align: center;">Having heard the submission of Ld. Counsel for the applicants – Union of India & others and considering the facts and circumstances of the case, we find that explanation offered by the applicants for delay in filing Leave to Appeal is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.</p> <p style="text-align: center;">In the result, we find that delay is not condonable.</p> <p style="text-align: center;">Accordingly, delay condonation application is dismissed.</p> <p style="text-align: center;">Leave to Appeal being time barred is also dismissed.</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 style="text-align: left;">AKD/-</p>

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

M.A. No. 1342 of 2022 with M.A. No. 1343 of 2022 Inre : O.A. No. 637 of 2021

Union of India & Others
By Legal Practitioner for the Applicants

Applicants

Versus

Ex. Hav. Virender Kumar
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>06.01.2023</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 Arvind Kumar Pandey, Ld. Counsel for the applicants herein – Union of India & Others.</p> <p>This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 09.03.2022 of this Tribunal in Original Application No. 637 of 2021.</p> <p>There is a delay of 08 months and 12 days in filing of leave to application.</p> <p>Submission of Ld. Counsel for the applicants – Union of India & Others is that delay in filing leave to appeal is not deliberate. His further submission is that after receiving the Judgment from the AFT Cell Headquarters Madhya UP Sub Area it was sent to 4 Rajput Lucknow and also the authorities concerned for obtaining legal opinion and after receiving legal opinion higher authorities given instruction to grant the certificate of Leave to Appeal. The delay caused is due to departmental instructions. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</p> <p>Having heard the submission of Ld. Counsel for the applicants – Union of India & others and considering the facts and circumstances of the case, we find that explanation offered by the applicants for delay in filing Leave to Appeal is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.</p> <p>In the result, we find that delay is not condonable. Accordingly, delay condonation application is dismissed. Leave to Appeal being time barred is also dismissed.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 25 of 2023 Inre : T.A. No. 50 of 2022

Ex. Sub. Maj. Balendra Prasad Pandey
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>06.01.2023</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><u>M.A. No. 25 of 2023</u></p> <p>Memo of Appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record.</p> <p>Heard the applicant Ex. Sub. Maj. Balendra Prasad Pandey in person and Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</p> <p>For the reasons stated in affidavit filed in support of application, correction application is allowed.</p> <p>In the order dated 29.11.2022 applicant's service number be corrected as 'JC-367973-F' in place of 'CJ-367973-F'.</p> <p>The aforesaid correction be carried out in the Transferred Application also.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 43 of 2018 Inre : M.A. No. 972 of 2017 Inre : O.A. No. (Nil) of 2017

Rect. Shailesh Mishra
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>06.01.2023</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 no one is present on behalf of the applicant.</p> <p>Dr. Gyan Singh, Ld. Counsel for the respondent Nos. 1 to 4 and Shri Ashish Mishra, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p>An affidavit of compliance has been filed today by the respondent Nos. 5 and 6 which is taken on record.</p> <p>It is submitted by the Ld. Counsel appearing for the respondent Nos. 5 and 6 that in compliance of the order Rs.4,59,896/- on 05.03.2018, Rs.1,00,464/- on 05.03.2018 and Rs.9,98,604/- on 05.05.2018 have been credited in applicant's account.</p> <p>No calculation sheet has been filed along with affidavit of compliance.</p> <p>Objection, if any, against affidavit of compliance may be filed within two weeks.</p> <p>List on 31.01.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 65 of 2021 Inre : O.A. No. 497 of 2017

Smt. Satbiri Wife of Late Ex. Sep. Ajaipal 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>06.01.2023</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 K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, 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, PCDA (Pension), Prayagraj submits that as regard disability element, arrears have been credited in applicant's account and claim with regard to family pension has been received in the office of PCDA (Pension), Prayagraj on 03.01.2023. He further submits that PPO in regard to grant of family pension will be issued soon.</p> <p>Let affidavit of compliance annexing therewith copy of PPO for the grant of family pension be filed within three weeks.</p> <p>List on 10.02.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 23 of 2022 Inre : O.A. No. 702 of 2020

Ex. Sep. Birendra 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>06.01.2023</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 Sudhir Kumar Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the respondents submits that Government Sanction in the matter is still awaited.</p> <p>On the other hand, Ld. Counsel for the applicant submits that order to be complied with is dated 20.07.2021.</p> <p>Keeping in view that order has not yet been complied, we grant three weeks further time to the respondents to file affidavit of compliance with condition that in the event order being not complied with the officer responsible for implementation of the order shall physically present in the Tribunal on the next date fixed to explain why necessary action be not taken against him for non compliance of the order.</p> <p>List on 14.02.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 9)

Ex. A. No. 101 of 2022 Inre : O.A. No. 312 of 2020

Ex. Sub. (Hony. Lt.) Gajraj 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>06.01.2023</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 R. Chandra, Advocate holding brief of Shri Parijaat Belaura, Ld. Counsel for the applicant, Shri Arun Kumar Sahu, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6.</p> <p>An affidavit of compliance has been filed today in Court by the respondent Nos. 5 and 6 which is taken on record.</p> <p>It is submitted by the Ld. Counsel for the respondent Nos. 5 and 6 that order has been fully complied with as in compliance of the order a sum of Rs.15,65,354/- along with interest Rs.88,063/-, total Rs.16,53,417/- has been credited in applicant's account on 11.04.2022. He further submitted that monthly disability element Rs.18,610/- is being regularly paid to the applicant since April, 2022. A calculation sheet has also been attached along with affidavit of compliance.</p> <p>In view of the above, the order seems to have been complied with.</p> <p>Accordingly, Execution Application is dismissed being rendered infructuous.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 10)

Ex. A. No. 205 of 2022 Inre : O.A. No. 478 of 2020

Ex. Sgt. Rajesh Srivastava
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>06.01.2023</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 Shailendra Kumar Singh and Shri Mahendra Kumar Singh, Ld. Counsel for the applicant, Shri Shyam Singh, Ld. Counsel for the respondents assisted by Sqn. Ldr. Ashutosh Pandey, Departmental Representative of the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents two weeks further time is granted to file affidavit of compliance.</p> <p>List on 01.02.2023.</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. 11)

Ex. A. No. 285 of 2022 Inre : O.A. No. 602 of 2021

Ex. Hav. Jit Bahadur Thapa
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>06.01.2023</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 V.P. Pandey, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents assisted by Capt. Uma Yadav, Departmental Representative of 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 16.02.2023.</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. 288 of 2022 Inre : O.A. No. 740 of 2021

Ex. Hav. Ram Asheesh
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>06.01.2023</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 Shri Yogtesh Kesarwani, 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 20.02.2023.</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. 13)

Ex. A. No. 312 of 2022 Inre : O.A. No. 495 of 2022

Ex. Capt. Alok Kumar Gupta
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>06.01.2023</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 Yashpal Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>An affidavit of compliance has been filed today by the respondents, which is taken on record.</p> <p>Perusal of affidavit shows that order has been complied with. Copy of PPO is annexed along with the affidavit.</p> <p>In view of the above, Execution Application has rendered infructuous and is liable to be dismissed as such.</p> <p>Accordingly, Execution Application is dismissed being rendered infructuous.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 230 of 2017

Smt. Urmila Devi Chauhan
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>06.01.2023</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 Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>As prayed, list on 17.01.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 311 of 2022

Ex. Hav. Anil Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.01.2023</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 V.K. Pandey, Shri Girish Tiwari and Ms. Sunita Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit as a last chance.</p> <p>List on 17.01.2023.</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. 17)

O.A. No. 392 of 2022

Ex. Rect. Md. Shoharab
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>06.01.2023</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 and Rejoinder Affidavit filed by the applicant are taken on record.</p> <p>Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, 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. 18)

O.A. No. 429 of 2022

ERA3 Ajay Kumar (Retd.)
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>06.01.2023</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 Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit as a last chance.</p> <p>List on 17.01.2023.</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. 19)

O.A. No. 430 of 2022

Ex. Hav. Anant Singh Yadav
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>06.01.2023</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 Bhaskar Mishra and Shri Aswini Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit as a last chance.</p> <p>List on 17.01.2023.</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. 445 of 2022

Ex. Sub. Braj Bhan Sachan
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>06.01.2023</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 Virat Anand Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents a week further time is granted to file Counter Affidavit as a last chance.</p> <p>List on 18.01.2023.</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. 21)

O.A. No. 546 of 2022

Ex. Hav. Prem 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>06.01.2023</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 Mahendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, 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. 22)

O.A. No. 547 of 2022

Ex. WO Prabhat Kumar Upadhyay
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>06.01.2023</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 R. Chandra, Advocate holding brief of Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Alok Kumar Mishra, 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. 23)

O.A. No. 551 of 2022

Ex. Nk. Abhinay 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>06.01.2023</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, Ld. Counsel for the applicant and Ms. Anju Singh, 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. 25)

O.A. No. 769 of 2022

Ex. L/Nk. Abdul Khalik
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>06.01.2023</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 D.S. Tiwari, Ld. Counsel for the applicant and Dr. Gyan Singh, 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. 796 of 2022

Maj. Syed Fraz Iqbal (Retd.)
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>06.01.2023</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 Shri J.L. Joel, 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. 28)

O.A. No. 963 of 2022

Ex. Sub. Maj. (RT) Ran Bahadur 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>06.01.2023</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 Yashpal Singh, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on 01.02.2023.</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. 968 of 2022

Ex. JWO Satya Prakash Tripathi
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>06.01.2023</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 V.P. Pandey and Shri D.K. Dixit, Ld. Counsel for the applicant and Shri Pushpendra Mishra, 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.</p> <p>List on 16.02.2023.</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. 3 of 2022

Ex. Sep. Mahkar 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>06.01.2023</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 and Rejoinder Affidavit filed by the applicant are taken on record.</p> <p>Heard Shri Ramakant Gupta, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, 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. 31)

Diary No. 3445 of 2022

Ex. Sigm. Sohan Kumar
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.01.2023</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. Purna 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.</p> <p>On the case being taken up for hearing Shri Ved Prakash, Shri Devendra Kumar and Shri Vinay Pandey, Ld. Counsel for the applicant and Ms. Purna Singh, Ld. Counsel for the respondents are present.</p> <p>Applicant has not removed the defect.</p> <p>Defect must be removed within a week failing which application may be dismissed for non-prosecution.</p> <p>List on 17.01.2023.</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. 262 of 2017

Sub. Sanjay Kumar Kushwaha
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>06.01.2023</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>List on 07.02.2023.</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)

O.A. No. 433 of 2019 along with M.A. No. 770 of 2019

Gp. Capt. BKE Jacob
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>06.01.2023</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 Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>Original documents are not available today.</p> <p>List on 08.02.2023.</p> <p>On the date fixed respondents shall produce original documents in Court without fail for perusal of the Bench.</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)

O.A. No. 67 of 2021

Ex. Sub. Manohar Lal
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>06.01.2023</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 Col. A.K. Srivastava (Retd.) and Ms. Hemlata, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">Original documents are not available today.</p> <p style="text-align: center;">List on 14.02.2023.</p> <p style="text-align: center;">On the date fixed respondents shall produce original documents in Court without fail for perusal of the Bench.</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 (Suppl. Sl. No. 1)

O.A. No. 167 of 2022

Hony. Lt. Mahendra Nath Yadav
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>06.01.2023</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 Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>At the very outset it is submitted by the Ld. Counsel for the applicant that applicant had preferred Statutory Complaint against denial for the grant of Honorary Commission to him which has been considered and dismissed. Respondents want to bring the decision taken on Statutory Complaint on record by way of Supplementary Counter Affidavit, time be granted for the same which is allowed.</p> <p>Supplementary Counter Affidavit may be filed within two weeks. List on 14.02.2023.</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

O.A. No. 815 of 2022

Ex Craftsman (Vehicle Mechanic) Rajesh Kumar Awasthi
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>06.01.2023</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 Rahul Dev Tripathi, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p>Counter affidavit filed by the respondents is taken on record.</p> <p>The instant Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 for grant of disability pension @ 50% from the date of discharge from service, i.e. w.e.f. 01.01.1991 with benefit of rounding off.</p> <p>Submission of learned counsel for the applicant is that applicant was enrolled in the Army on 22.12.1983 and discharged from service on 17.12.1995 in low medical category for disability "Primary Hypertension". However, RMB of the applicant could not be carried out at the time of discharge from service. The applicant filed OA No. 299 of 2017 before this Tribunal which was decided on 07.12.2018 directing the respondents to hold RSMB of the applicant. RSMB of the applicant was conducted at MH Danapur and his disability was assessed @ 30% for life but applicant has been paid disability pension w.e.f. 17.08.2019 from the date of RSMB which is against the policy in force. He pleaded for grant of disability pension to the applicant from the date of discharge from service, i.e. w.e.f. 17.12.1995.</p> <p>In reply, learned counsel for the respondents submitted that applicant had refused to sign his discharge documents at the time of discharge from service and thus his RMB was not carried out while proceeding on discharge from service. Later on, as per this Tribunal order dated 07.12.2018 passed in OA No. 299 of 2017, applicant was brought before RSMB and his disability "Primary Hypertension" was assessed @ 30% for life as aggravated by military service which has been rounded off to 50% from the date of RMB held. Accordingly, applicant has been granted disability pension @ 50% for life from the date of RMB, i.e. w.e.f. 17.08.2019 vide PPO dated 24.07.2021.</p>

We find that applicant at the time of discharge from service had not signed his discharge documents and hence, his Release Medical Board was not carried out which was later on carried out vide this Tribunal's order dated 07.12.2018 passed in OA No. 299 of 2017 filed by the applicant. The disability of the applicant "Primary Hypertension" was assessed @ 30% for life as aggravated by military service which has been rounded off to 50% from the date of RSMB held.

With regard to prayer of the applicant to grant disability pension from the date of discharge from service, we are of the view that it was the responsibility/duty of the applicant to sign his discharge/medical documents and to appear before the medical board for completion of his medical board. The respondents are not in fault with regard to completion of applicant's medical board but it is applicant who should have appeared before the Release Medical Board. Since, applicant has approached this Tribunal by filing application after a gap of 21 years and his RSMB was conducted on 17.08.2019 as per direction/order dated 07.12.2018 passed by this Tribunal in OA No. 299 of 2017, hence, applicant's entitlement for grant of disability pension from the date of RSMB is legally correct. Therefore, applicant is entitled to disability pension @ 30% for life duly rounded off to 50% for life from the date of RSMB, i.e. w.e.f. 17.08.2019.

Accordingly, applicant has been granted disability pension @ 30% duly rounded off to 50% for life from the date of conduct of RSMB, i.e. w.e.f. 17.08.2019 vide PPO dated 24.07.2021. Hence, prayer of the applicant to pay disability pension from the date of discharge from service is not logical and convincing and is therefore, rejected.

Resultantly, Original Application is **dismissed**.

No order as to costs.

Pending Misc. Applications (if any), shall stand disposed off.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

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

Court No. 1

O.A. No. 696 of 2022

Ris. Gangadin Yadav
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>06.01.2023</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;">Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Heard Dr. Amit Asthana, Advocate holding brief of Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-</p> <p>A. To issue/pass an order or directions to the respondents to implement the letter dated 25 June 2022 issued by Directions of the General officer Commanding, 31 Armoured Division thereby grant promotion to the applicant as a Risaldar Major forthwith and grant all consequential benefits pay and allowances for the same pursuant to Directorate General Armoured Corps letter No. B/6013/SC/GY/GS/AC-8 (Legal) dated 06.05.2022 (after summoning the copy of same).</p> <p>B. To issue pass an order or directions to the respondents to opposite party concerned to given the charge of Risaldar Major to applicant with immediate effect pursuant to Directorate General Armoured corps letter No. B/6013/SC/GY/GS/AC-8 (Legal) dated 06.05.2022.</p> <p>C. To issue/pass any other order or direction as this Hon'ble Tribunal may deem just, fit and proper under the circumstances of the case in favour of the applicant.</p> <p>D. To allow this original application with costs."</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that applicant was enrolled in the Army on 27.10.1992. He was promoted to the rank of Risaldar on 01.11.2017. The applicant while serving with 6 Lancers was due for</p>

promotion to Risaldar Major which was about to vacant in April 2020 but applicant was forcefully posted/transferred to a new raising unit, i.e. 60 Armoured Regiment and thus, he superseded in promotion and in place of applicant, another JCO junior to the applicant was promoted to the rank of Risaldar Major. The applicant submitted a statutory petition dated 19.03.2020 to the competent authority for delaying his promotion to the post of Risaldar Major which was decided by the GOC 31 Armoured Division directing full redressal to the applicant but applicant has not been promoted to the post of Risaldar Major till filing of the present Original Application. He pleaded to implement the directions of GOC 31 Armoured Division and to promote the applicant to the rank of Risaldar Major forthwith.

Submission of learned counsel for the respondents is that applicant being not promoted to the rank of Risaldar Major submitted a statutory complaint dated 19.03.2020 and he has been granted redressal by the General Officer Commanding (GOC), 31 Armoured Division on 25.06.2022. Accordingly, special Departmental Promotion Committee (DPC) was convened and applicant was found fit for promotion to the rank of Risaldar Major. Accordingly, Armoured Corps Records issued promotion-cum-posting order dated 27.09.2022 and applicant assumed the rank of Risaldar Major on 29.09.2022 and proceeded on permanent posting to D & M Regt vide 60 Armoured Regiment movement order dated 30.09.2022. The respondents have averred all these facts/points in paragraphs from 14 to 19 of the Counter Affidavit. Thus, he submitted that grievance of the applicant has already been redressed and therefore, Original Application is liable to be dismissed.

In view of the aforesaid submissions, grievance of the applicant raised in the Original Application, has been redressed by the respondents. With the result, Original Application has rendered infructuous and is liable to be dismissed as such.

Accordingly, Original Application is **dismissed** being rendered infructuous.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

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

Court No. 1

O.A. No. 243 of 2022

Nk (Musician) Manindra Kumar Chaubey
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>06.01.2023</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 Arvind Kumar Pandey, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-</p> <p style="text-align: center;">(i) The Hon'ble Court may graciously be pleased to direct the respondents to promote the applicant on the post of Havildar w.e.f. 1-3-2022 and give all consequential benefits to the applicant on the said post.</p> <p style="text-align: center;">(ii) This Hon'ble Court may further be pleased to pass such other and/or further order as deem fit, proper and necessary in the circumstances of this case.</p> <p style="text-align: center;">(iii) Award costs to the applicant.”</p> <p>Submission of learned counsel for the applicant is that applicant was enrolled in the Army on 06.07.2009. He was promoted to the rank of Naik on 01.11.2015. The applicant successfully completed technical trade test, Class-2 on 27.04.2016 and promotion cadre from Naik to Havildar on 25.04.2017. Thereafter, applicant qualified Technical Trade Test, Class-1 on 15.03.2021. The respondents issued a letter dated 18.01.2022 for promotion to the applicant from Naik to Havildar w.e.f. 01.03.2022, however, due to a case filed by Kishan Kumar in a similar situated case of promotion before this Tribunal, promotion of the applicant was kept in abeyance till confirmation received from their office.</p> <p>His further submission is that applicant was to be promoted to the post of Havildar w.e.f. 01.03.2022 but the respondents in an illegal and arbitrary manner kept in abeyance the promotion of the applicant till date. Therefore, the applicant being aggrieved sent his representation on 04.03.2022 to the respondents for grant of promotion from its due date but the representation of</p>

the applicant is still pending before the respondents. The respondents on taking ground that since the case of Kishan Kumar (OA No. 525 of 2021) is pending before this Tribunal therefore, promotion of the applicant may be kept in abeyance but this justification of the respondents is totally illegal and arbitrary since the case of the applicant has no relevancy with the said Kishan Kumar being senior from Kishan Kumar and completed promotion cadre course. He pleaded that applicant should be promoted to the post of of Havildar forthwith.

Submission of learned counsel for the respondents is that applicant was promoted to the rank of Naik on 01.11.2015 and he was considered for promotion to the rank of Havildar against the vacancy of 01.03.2022 vide AMC Records promotion order dated 18.01.2022. He further submitted that Naik Kishan Kumar, a serving soldier in the same trade filed case (OA No. 525 of 2021) before this Tribunal in which this Tribunal passed order dated 01.10.2021 directing the respondents to decide statutory complaint of the applicant within a period of six weeks. Thereafter, this Tribunal passed another order dated 01.02.2022 in a Misc. Application filed by Naik Kishan Kumar to decide the statutory complaint of the applicant within two weeks. On next date, i.e. on 28.02.2022, case of Naik Kishan Kumar was heard and it was directed that *"In the meantime respondents shall not promote any person junior to the post of Havildar in AMC in Musician Trade, which included those empanelled for promotion in the DPC ibid"*. Therefore, in compliance of the directions of the Tribunal, AMC Records has issued necessary directions to Administrative Battalion, AMC Centre to withhold the promotion issued vide promotion order dated 18.01.2022 and thus, promotion in respect of the applicant kept in abeyance till further order due to stay imposed on promotion to the rank of Havildar (Musician). Hence, no injustice has been done to the applicant.

We find that applicant was due for promotion on 01.03.2022 vide AMC Records promotion order dated 18.01.2022 but the respondents treating this Tribunal order dated 28.02.2022 passed in the case of Naik Kishan Kumar, as stay order, promotion order of the applicant was withheld. Since, this Tribunal has passed order in the case of Naik Kishan Kumar that no junior will be promoted to the post of Havildar in Musician trade, promotion of the applicant to the post of Havildar being senior was not stayed, rather applicant was to be promoted on his due date.

In view of the above, the Original Application is allowed. The impugned order, if any, is set aside. The respondents are directed to promote to the applicant in the rank of Havildar (Musician) forthwith and give seniority from its due date, i.e. 01.03.2022. The respondents are further directed to give effect to this order forthwith on receipt of a certified copy of this order.

No order as to costs.

Pending Misc. Application(s), if any, shall be treated to have been disposed off.

Let a copy of this order be provided to learned counsel for the parties within 24 hours, free of cost, for compliance.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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