

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

**O.A. No. 104 of 2023**

**Col. Rakesh Chandra Jain**  
In person.

Applicant

**Versus**

**Union of India & Others**

Respondents

Practitioner for Respondents : Shri Rajiv Narayan Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Rajiv Narayan Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Col. Rakesh Chandra Jain (Retd.), the applicant in person and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability element of disability pension.</p> <p>It is submitted by the applicant that his claim for the grant of disability element of disability pension has been wrongly denied by the respondents saying the disabilities are neither attributable to nor aggravated by military service. In fact the disabilities are connected with military service.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>24.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 2)**  
**O.A. No. 124 of 2023**

**Ex. JWO Ram Krishna Singh** Applicant  
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate  
Shri Rakesh Kumar Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Ramesh Chandra Shukla, 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 Major S.M. Mustafa (Retd.), Advocate holding brief of Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, 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 <b>03.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 128 of 2023 with M.A. No. 124 of 2023**

**Ex. JWO Vimal Kumar** 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 Ram Saran Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Ram Saran Awasthi, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Raj Kumar Mishra, Ms. Upasna Mishra and Shri Kapil Sharma, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 03 months and 29 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 128 of 2023</u></b></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>03.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 129 of 2023 with M.A. No. 125 of 2023**

**Ex. WO Bechan maurya** Applicant  
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate  
Ms. Upasna Mishra, Advocate  
Shri Kapil Sharma, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Memo of Appearance filed by Shri Rajiv Narayan Pandey, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Raj Kumar Mishra, Ms. Upasna Mishra and Shri Kapil Sharma, Ld. Counsel for the applicant and Shri Rajiv Narayan Pandey, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 04 months and 29 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><b><u>O.A. No. 129 of 2023</u></b></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on <b>03.04.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 115 of 2022 Inre : O.A. No. 386 of 2020**

**Smt. Rekha Mishra W/o Late Ex. Nk. Prem Prakash Mishra & Others** Applicants  
By Legal Practitioner for the Applicants : Shri Pankaj Kumar Shukla, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>An affidavit of compliance has been filed by the respondents which is taken on record.</p> <p>Heard Shri Mahendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicants and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>Ld. Counsel for the respondents submits that since in compliance of the order PPO has been generated and arrears have also been credited in applicant's account, Execution Application has rendered infructuous and should be dismissed as such to which Ld. Counsel for the applicant has no objection.</p> <p>Accordingly, Execution Application is <b>dismissed</b> being infructuous.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**Ex. A. No. 149 of 2022 Inre : O.A. No. 126 of 2021**

**Ex. Hav. Sur Sari Charan Mishra** Applicant  
By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chahan, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that Government Sanction is still awaited. The case file of the applicant is lying with the Office of Principal Integrated Financial Advisor, Army Headquarters, New Delhi since 29.11.2022. A prayer has been made to grant four weeks further time to file affidavit of compliance which is allowed. It is directed that if the order is not complied with in the given time the Principal Integrated Financial Advisor, Army Headquarters, New Delhi shall appear in person in this Tribunal on the next date fixed to show cause as to why action be not taken against her for non-compliance of the order.</p> <p>List on <b>03.04.2023</b>.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 380 of 2022 Inre : O.A. No. 650 of 2021**

**Ex. L/Nk. Lalan Singh** Applicant  
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file affidavit of compliance subject to condition that if the order is not complied with respondents will pay Rs.5,000/- as cost to the applicant.</p> <p>List on <b>06.03.2023</b>.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 382 of 2022 Inre : O.A. No. 482 of 2021**

**Ex. Sub. Pawan Kumar Singh** Applicant  
By Legal Practitioner for the Applicant : Mohd. Zafar Khan, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file affidavit of compliance.</p> <p>List on <b>15.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>



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

**O.A. No. 348 of 2019**

**Ex. Cadet Rajeev R. U.** Applicant  
By Legal Practitioner for the Applicant : Shri S.S.L. Srivastava, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri S.S.L. Srivastava, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the applicant the case is adjourned.</p> <p>List on <b>10.02.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A) <span style="margin-left: 150px;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>

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

**O.A. No. 752 of 2022**

**Ex. L/Nk. Dinesh Pratap Yadav** Applicant  
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Rejoinder Affidavit filed by the applicant is taken on record.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents.</p> <p>The applicant has filed the instant Original Application to set aside the order dated 25.02.2021 issued by the respondents and for issuing direction to the respondents to organize a fresh Release Medical Board to assess the applicant's disability.</p> <p>It is submitted that applicant was enrolled in the Territorial Army on 11.12.1986 and discharged from service on 15.04.1997 on his own request on extreme compassionate ground. It is further submitted that applicant sustained injury "<b>FRACTURE SHAFT PIDYL PLDGLA (LT)</b>" in his left leg while he was on guard duty in the unit at Jabalpur. He further submitted that At the time of discharge applicant's Release Medical Board was not done by the respondents on the ground that he was discharged from service on his own request. However, no medical document has been filed in support of submission that when the applicant was discharged he was in low medical category.</p> <p>In reply, the Ld. Counsel for the respondents submitted that although the applicant was admitted at Military Hospital, Jabalpur (Madhya Pradesh) with effect from 05.11.1988 to 13.12.1988 for diagnosis "<b>FRACTURE SHAFT PIDYL PLDGLA (LT)</b>" but he was not downgraded to low medical category and continued in service in SHAPE-1 and was discharged from service in medical category "<b>SHAPE-1</b>", therefore, he is not entitled to disability pension. Further, the applicant is also not entitled for conduct of fresh Release Medical Board after a lapse of more than 34 years of his discharge. He pleaded for dismissal of Original Application.</p> <p>In the circumstances when applicant has not been filed any medical</p>

document supporting his contention that he was discharged in low medical category and contrarily the respondents have submitted that he (applicant) was discharged in medical category "**SHAPE-1**", we find that applicant's claim for the grant of disability pension due to being discharged in low medical category is not maintainable. Further, after a lapse of more than 34 years it will not be proper to direct the respondents to conduct Release Medical Board of the applicant.

In the result, Original Application is **dismissed**.

Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.

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

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

AKD/-

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

**O.A. No. 862 of 2022**

**Ex. Sgt. Ajeet Kumar Dwivedi** Applicant  
By Legal Practitioner for the Applicant : Shri Sudhir Kumar Singh, Advocate  
Shri Abhishek Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Advocate holding brief of Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit as a last chance.</p> <p>List on <b>03.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No.12)**

**O.A. No. 866 of 2022**

**Ex. HFO (MWO) Rajendra Prasad Agnihotri** Applicant  
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Mahendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit as a last chance.</p> <p>List on <b>06.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 907 of 2022**

**Ex. Nb. Sub. Manesh Shanker NS** Applicant  
By Legal Practitioner for the Applicant : Shri K.K. Misra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri Raj K.K. Misra, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents. Original Application is <b>allowed</b>. 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;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 14)**

**O.A. No. 919 of 2022**

**JWO Umed Singh (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate  
Shri A.K. Chaudhary, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Raj Kumar Mishra and Shri A.K. Chaudhary, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit as a last chance.</p> <p>List on <b>06.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 1038 of 2022**

**Ex. Hav. Harish Kumar Trivedi** Applicant  
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate  
Shri Anshuman Srivastava, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi and Shri Anshuman Srivastava, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>List on <b>07.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>



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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 16)**

**O.A. No. 1041 of 2022**

**Ex. MWO (HFO) Ram Kewal Dubey** Applicant  
By Legal Practitioner for the Applicant : Shri Rama Kant, Advocate  
Shri Shiv Narain Kaushal, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rama Kant and Shri Shiv Narain Kaushal, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>List on <b>13.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 1042 of 2022**

**Ex. Sb. Babban Prasad**

Applicant

By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents : Shri Rajiv Pandey, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>List on <b>07.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 1043 of 2022**

**Sgt. Santosh Kumar Dubey** Applicant  
By Legal Practitioner for the Applicant : Shri Sarvesh Kumar Verma, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Sarvesh Kumar Verma, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents are present.</p> <p>As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>List on <b>06.03.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 271 of 2017**

**Chintamani Mishra** Applicant  
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>During the course of hearing, the Ld. Counsel for the applicant submitted that Writ Petition is pending before the Lucknow Bench of Hon'ble Allahabad High Court wherein the order passed by the Principal Bench of this Tribunal is in challenge wherein it has been held that Original Application against the order of "severe reprimand" was not cognizable by the Armed Forces Tribunal. Thus, he submitted that in view of the aforesaid hearing of the case be adjourned till the disposal of the Writ Petition pending in the Hon'ble High Court.</p> <p>In view of the above, list on <b>08.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 203 of 2021**

**Hav. (Amb. Asst.) Rambalee** Applicant  
By Legal Practitioner for the Applicant : Shri Om Prakash Kushwaha, Advocate  
Shri K.P. Datta, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri K.P. Datta, Ld. Counsel appearing for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel appearing for the respondents.</p> <p style="text-align: center;">Original Application is <b>dismissed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 145 of 2022**

**Ex. Sub. Ram Kumar Nadar** Applicant  
By Legal Practitioner for the Applicant : Shri Ashok Singh, Advocate  
Shri Vikas Singh Chauhan, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Ashok Singh and Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>dismissed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. (A) No. 105 of 2015**

**Trilok Dutt** Applicant  
By Legal Practitioner for the Applicant : Shri Nishant Verma, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Nishant Verma, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>dismissed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**T.A. No. 15 of 2017 with M.A. No. 15 of 2020**

**Bhupendra Singh Bhadauria** Applicant  
By Legal Practitioner for the Applicant : Shri Rohitash Kumar Sharma, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Ld. Counsel for the applicant submits that Transferred Application is pending since 2017 (although the case is pending since 2014), hearing is being made not possible for the want of original documents. The original documents are to be brought from the Rajput Regimental Centre, Fatehgarh.</p> <p>Ld. Counsel for the respondents submits that on the last date of hearing the original documents were available, but the Hon'ble Member (A) [Hon'ble Maj. Sanjay Singh, Member (A)] has refused to hear the case.</p> <p>List this case on <b>21.02.2023</b> for hearing on which date the respondents are directed to produce original documents for perusal of the Bench.</p> <p>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;"><b>(Vice Admiral Atul Kumar Jain)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>



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

**R.A. No. 9 of 2023 with M.A. No. 126 of 2023 Inre : O.A. No. 320 of 2017**

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

**Versus**

**Smt. Saroj Tiwari W/o Late Ex. Ghanshyam Ram Tiwari** Respondent  
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><b><u>06.02.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Namit Sharma, Ld. Counsel for the applicants herein – Union of India &amp; Others.</p> <p style="text-align: center;">This application has been filed under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 to review the judgment and order dated 30.11.2021 of this Tribunal in Original Application No. 320 of 2017.</p> <p style="text-align: center;">There is a delay of 09 months and 04 days in filing of Review Application.</p> <p style="text-align: center;">The order of which review has been sought was passed by the Bench comprising of (Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) and Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A) (since transferred to AFT, Regional Bench, Mumbai).</p> <p style="text-align: center;">Submission of Ld. Counsel for the applicants – Union of India &amp; Others is that delay in filing Review Application is not deliberate. His further submission is that copy of order has been issued on 12.12.2021 and that after sending the relevant papers to the competent authority, the legal opinions were sought in the matter whether the review application has to be filed or leave to appeal has to be preferred and after getting opinion from the Law Department the authorities sent papers to the concerned Central Government Counsel for drafting of the Review Application. 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 &amp; others and considering the facts and circumstances of the case, we find that explanation offered by the applicants for delay in filing Review Application is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in</p>

the present case.

In the result, we find that delay is not condonable.

Accordingly, delay condonation application is **dismissed**.

Review Application being time barred is also **dismissed**.

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

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

AKD/-