

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

O.A. No. 140 of 2023 with M.A. No. 140 of 2023

Ex. JWO Prem Shankar Kushwaha Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri J.N. Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 02 years, 09 months and 08 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 140 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 03.04.2023.</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. 142 of 2023

Hav./Clk. Abhijeet Joshi Applicant
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Shri Yogesh Kesarwani, Advocate appears on behalf of the respondent Nos. 1 to 6 and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondent No. 1 to 6 when the case is listed next.</p> <p>Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondent Nos. 1 to 6.</p> <p>This Original Application has been filed for issuing direction to the respondents to promote the applicant to the rank of Naib Subedar after setting aside the punishment of "severe reprimand" awarded to the applicant on 24.03.2022 by the CO, ICTW being illegal.</p> <p>An objection has been raised by the Ld. Counsel for the respondents that Original Application being filed against the punishment of "severe reprimand" awarded in summary trial, the same is not maintainable in the Armed Forces Tribunal in view of the provision laid down in Section 3(o) of the Armed Forces Tribunal Act, 2007.</p> <p>In reply, it is submitted by the Ld. Counsel for the applicant that applicant had filed a Writ Petition being Writ – A No. 771 of 2023 in the Lucknow Bench of Hon'ble Allahabad High Court for issuing direction to the respondents for promotion to the rank of Naib Subedar after setting aside the order of "severe reprimand" awarded by the CO which was vehemently opposed by the respondents on the premise that against the denial of promotion based on the punishment of "severe reprimand" an efficacious remedy is available under the Armed Forces Tribunal Act, 2007, therefore, the Petition filed in the High Court under Article 226 of the Constitution of India is not maintainable. He submitted that in the said Writ Petition the Hon'ble High Court has held that application against the punishment of "severe reprimand" is cognizable by the Armed Forces Tribunal as the order of "severe reprimand"</p>

does not fall in exception clause of Section 3(o) of the Armed Forces Tribunal Act, 2007 wherein application is held to be not cognizable by the Armed Forces Tribunal. Thus, he submitted that respondents are not allowed to raise this plea in the Tribunal saying Original Application is not cognizable more so when it has already been raised in the High Court and based on the plea the Petition has been dismissed being not maintainable.

During the course of hearing, it was brought to our notice that a Writ Petition being Writ – A No. 8782 of 2022, titled Abhishek Kumar Versus Union of India & Others, is pending decision before the Division Bench of Hon'ble Allahabad High Court wherein the question to be decided is whether application under Section 14 of the Armed Forces Tribunal Act, 2007 against the punishment of "severe reprimand" is maintainable before the Armed Forces Tribunal or not. While admitting the Writ Petition for hearing the Hon'ble Judges have observed that prima facie they are not in agreement with the view taken by the Principal Bench, Armed Forces Tribunal, New Delhi wherein the Tribunal has said that application under Section 14 of the Armed Forces Tribunal Act, 2007 against the order of "severe reprimand" is not maintainable in the Tribunal in view of bar created under Section 3 (o) of the Armed Forces Tribunal Act, 2007.

Subject to decision to be passed in the aforesaid Writ Petition, Original Application is **admitted** for hearing.

Shri Yogesh Kesarwani, Advocate has accepted notice of behalf of the respondent Nos. 1 to 6, hence, service of notice so far as they are concerned, is waived.

Respondent Nos. 1 to 6 may file reply/Counter Affidavit within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit, if any.

Issue notice to the respondent No. 7 returnable within four weeks.

Steps for notice be taken within a week.

List on **03.04.2023**.

(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. 3)

O.A. No. 144 of 2023

Ex. Hav. Sanni Raj Applicant
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri V.P. Pandey, Advocate holding brief of Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Shyam 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 03.04.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 145 of 2023 with M.A. No. 142 of 2023

Ex. Sub/Clk (SD) Pravat Kumar Swain Applicant
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Shri 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 V.P. Pandey, Advocate holding brief of Shri K.K. Singh Bisht, 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>There is a delay of 02 years, 09 months and 11 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 145 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 03.04.2023.</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. 5)

M.A. No. 136 of 2023 with M.A. No. 137 of 2023 Inre : O.A. No. 662 of 2021

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

Versus

Ex. Hav. Dharmendra Kumar Tiwari Respondent
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Dr. S.N. 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 20.05.2022 of this Tribunal in Original Application No. 662 of 2021 by means of which respondents have been directed to conduct a Re-Survey Medical Board for the applicant to assess the disability of the applicant for his further entitlement of disability element of disability pension within four months from the date of order.</p> <p>There is a delay of 221 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 applicants being the Government functionaries and due to involvement of various agencies of the Government the delay has occurred. His further submission is that after obtaining legal opinion, it has been decided to file Leave to Appeal. 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. We further find that no point of law of general public importance is involved so that leave may be granted.</p> <p>In the result, we find that delay is not condonable.</p> <p>Accordingly, delay condonation application is dismissed.</p> <p>Leave to Appeal is also dismissed on the ground of limitation as well as on merit.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (Justice Umesh Chandra Srivastava) Member (A) 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. 69 of 2019 Inre : O.A. No. 583 of 2017

Ex. Sep. Ajay Kumar Singh Applicant
By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chauhan, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that order dated 15.11.2022 of this Tribunal is in process of implementation, four weeks further time be granted to file affidavit of compliance, which is allowed.</p> <p>List on 23.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 108 of 2022 Inre : O.A. No. 260 of 2021 along with R.A. No. 48 of 2022

Col. (TS) Nagendra Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra , Advocate
Versus
Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Arvind Kumar Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This is an application to implement the order dated 10.11.2021 in Original Application No. 260 of 2021 by which respondents have been directed to grant disability element of pension to the applicant @40% for life to be rounded off to 50% for life with effect from three years preceding the date of filing of the Original Application within a period of four months from the date of receipt of a certified copy of the order.</p> <p style="text-align: center;">The order has not yet been complied with.</p> <p style="text-align: center;">On the last date i.e. 17.01.2023 it was stated by the Ld. Counsel for the respondents that case file of the applicant for financial concurrence is pending with Principal Integrated Financial Advisor, Army Headquarters, New Delhi, therefore, three weeks further time be granted to file the compliance report. The request of the respondents was conceded and they were directed to file compliance report within three weeks. It was also directed that in the event order being not complied with the officer responsible for implementation of the order shall appear in person in the Tribunal on the next date fixed to explain why action be not taken against her/him for non-compliance of the order.</p> <p style="text-align: center;">Despite the above, neither the order has been complied with nor respondents have assigned any reason as to why responsible officer is not present in the Court to explain the reason for non-compliance of the order. This is complete defiance of the order which needs to be seriously viewed.</p> <p style="text-align: center;">Accordingly, we direct the registry to issue notice to the Principal Integrated Financial Advisor, Army Headquarters, New Delhi to appear in person before the Tribunal on the next date fixed to show cause why coercive action be not taken against her for non-compliance of the order.</p> <p style="text-align: center;">List on 23.03.2023.</p> <p style="text-align: center;">Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 287 of 2022 Inre ; O.A. No. 249 of 2021

Ex. Sgt. Adarsh Kumar Tiwari Applicant
By Legal Practitioner for the Applicant : Shri Om Prakash Kushwaha, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing no one is present on behalf of the applicant nor is there any mention to pass over the case.</p> <p>Shri Pushpendra Mishra, Ld. Counsel for the respondents is present.</p> <p>A compliance report has been filed by the respondents annexing therewith a copy of the PPO which is taken on record.</p> <p>A perusal of the PPO shows that it is in terms of the order.</p> <p>The order stands complied with. Accordingly, Execution Application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 386 of 2022 Inre : O.A. No. 601 of 2021

Ex. Hav. Ashok Kumar Applicant
By Legal Practitioner for the Applicant : Shri Amit Asthana, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Amit Asthana, Ld. Counsel for the applicant and Dr. S.N. Pandey, 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 compliance report.</p> <p>List on 24.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 33 of 2022

Ex. Sub. Asha Ram Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the applicant two weeks further time is granted to file Rejoinder Affidavit as a last chance.</p> <p style="text-align: center;">List on 02.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 699 of 2022

MWO Laxmi Kant Tiwari (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Ms. Upasna Mishra, Advocate
Shri Gopal Dwivedi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri Raj Kumar Mishra, Ms. Upasna Mishra and Shri Gopal Dwivedi, Ld. Counsel for the applicant and Ms. Anju 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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 13)

O.A. No. 794 of 2022

Ex. Nk. Dinesh Shahi Applicant
By Legal Practitioner for the Applicant : Shri Prakhar Kankan, Advocate
Shri K.K. Singh Bisht, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri V.P. Pandey, Advocate holding brief of Shri Prakhar Kankan and Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 877 of 2022

Ex. Nb. Sub. Vijay Kumar Sigh 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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri K.K. Misra, Ld. Counsel for the applicant and Ms. Kavita Mishra, 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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 15)

O.A. No. 880 of 2022

MWO (HFO) Avnit Kumar Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Abhay Kant Upadhyay, Advocate
Shri Madan Pal Vats, Advocate
Shri Raj Kumar Mishra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri Abhay Kant Upadhyay, Shri Madan Pal Vats and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 938 of 2022

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

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record. Heard Shri R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents. Original Application is partly allowed in respect of second disability. 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
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 17)

O.A. No. 943 of 2022

Col. Pramod Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. S.N. Dwivedi (Retd.), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, 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. 18)

O.A. No. 1055 of 2022

Wx. MWO Ombir Singh Upadhyay 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 R.C. Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri V.P. Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, 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 16.03.2023.</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. 19)

O.A. No. 1065 of 2022

Ex. WO Chandra Bhusan Singh Applicant
By Legal Practitioner for the Applicant : Shri Rohitash Kumar Sharma, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri J.N. 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 16.03.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 324 of 2017

T.D. Kolekar Applicant
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.), Advocate
Shri Rohit Kumar, Advocate

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">The case is wrongly listed before this Bench. As per roster, jurisdiction lies with Court No. 2. List on 13.03.2023 before the appropriate Bench.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 470 of 2018

Uday Shankar Thakur
In Person

Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri R.C. Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">Heard Shri Uday Shankar Thakur, the applicant in person and Shri R.C. Shukla, Ld. Counsel for the respondents. Hearing concluded. Judgment reserved.</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. 433 of 2019 along with M.A. No. 770 of 2019

Gp. Capt. BKE Jacob Applicant
By Legal Practitioner for the Applicant : Col. A.K. Srivastava (Retd.), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents the case is adjourned.</p> <p style="text-align: center;">List on 27.03.2023 on which date the respondents shall produce all original documents pertaining to case 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. 23)

O.A. No. 93 of 2020 with M.A. No. 953 of 2019

Ex. Sub. Bharat Singh Applicant
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, 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 respondents list this case tomorrow i.e. on 09.02.2023 on which date the respondents shall produce all original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 136 of 2020

Ex. Sub. Minhaz Asgar Applicant
By Legal Practitioner for the Applicant : Shri Prabhat Kumar Tripathi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Prabhat Kumar Tripathi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents the case is adjourned.</p> <p style="text-align: center;">List on 21.03.2023 on which date the respondents shall produce all original documents pertaining to case 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)

Ex. A. No. 27 of 2023 Inre : O.A. No. 440 of 2021

Ex. Sub. Brij Bhan Singh Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>Memo of Appearance filed by Ms. Kavita Mihra, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Kavita Mishra, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 07.01.2022 of this Tribunal in Original Application No. 440 of 2021 by which respondents have been directed to grant disability to the applicant @30% for life to be rounded off to 50% for life from the next date of his discharge within a period of four months from the date of receipt of a certified copy of order.</p> <p>It is submitted by the Ld. Counsel for the respondents that the order has not been complied yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 03.04.2023.</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 (Suppl. Sl. No. 2)

O.A. No. 646 of 2022

Lt. Col. Krishna Murari (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>08.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>A Counter Affidavit has been filed by the respondents which is taken on record.</p> <p>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, 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>