

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

O.A. No. 151 of 2023

Gp. Capt. Chinmoy Banerjee

Applicant

By Legal Practitioner for the Applicant : Shri Amit Asthana, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>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 Amit Asthana, 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>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 05.04.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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)

R.A. N. 10 of 2023 with M.A. No. 150 of 2023 & M.A. No. 152 of 2023
Inre : O.A. No. 64 of 2019

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

Versus

Ex.Sgt. Om Prakash Ojha Respondent
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri Yogesh Kesarwani, Ld. Counsel for the applicants herein – Union of India & 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 08.04.2021 of this Tribunal in Original Application No. 64 of 2019.</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 Vide 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 & Others is that delay in filing Review Application is not deliberate. His further submission is that after the decision dated 08.04.2021 the copy was obtained and forwarded to the competent authority for its perusal and further action. After going through the order the competent authority sought the legal opinion of the Central Government Counsel. The opinion was given by the Counsel to file Review Application before the Hon'ble Tribunal to get the same modified. 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 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</p>

should be explained on day to day basis which applicant has utterly failed in the present case.

In the result, we find that delay is not condonable. Accordingly, Review Application is **dismissed** being barred by time.

However, considering that disability pension has been granted to the applicant for a period of two from the date of discharge whereas it should be from the next date of discharge, we modify the order accordingly as below:-

In paragraph 11 of the order the word "**next**" be inserted in between words "from the" and "date of discharge" and now it shall be "**from the next date of discharge**" in place of "from the date of discharge".

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

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

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

Smt. Satbiri Wife of Larte Ex. Sep. Ajaipal Singh Applicant
By Legal Practitioner for the Applicant : Shri K.K. Misra, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.P. Datta, Advocate holding brief of Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that in regard to grant of family pension PPO has been generated on 09.01.2023.</p> <p>Let PPO be brought on record within two weeks.</p> <p>List on 28.02.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Sl. No. 4)

Ex. A. No. 186 of 2022 Inre : O.A. No. 333 of 2021

Ex. POME Anand Kisore Singh Applicant
By Legal Practitioner for the Applicant : Shri Parijaat Belaura, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Arun Kumar Sahu, Ld. Counsel for the respondent Nos. 1 to 4 is present.</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>As per office note, notice to respondent Nos. 5 and 6 could not be issued due to steps being not taken.</p> <p>Steps must be taken within a week failing which application will be dismissed for non-prosecution.</p> <p>On steps being taken, issue notice to respondent Nos. 5 and 6 returnable within four weeks.</p> <p>List on 03.04.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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)

Ex. A. No. 187 of 2022 Inre : O.A. No. 262 of 2020

Ex. Hav. Dhananjay Chaubey Applicant
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>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 Shyam Singh, Ld. Counsel for the respondents assisted by Capt. Uma Yadav, Departmental Representative for the respondents are present.</p> <p>Capt. Uma Yadav, Departmental Representative for the respondents states that PPO is still awaited.</p> <p>Compliance report annexing therewith copy of PPO may be filed within three weeks.</p> <p>List on 22.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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. 231 of 2022 Inre : T.A. No. 6 of 2021

Ex. Sgt. Somdatt Awasthi Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ravi Kumar Yadav, Advocate holding brief of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents assisted by Warrant Officer S.K. Mishra, Departmental Representative for the respondents are present.</p> <p>Warrant Officer S.K. Mishra, Departmental Representative for the respondents states that Government Sanction in the matter has been accorded on 16.01.2023 and data has been forwarded for issuing of PPO.</p> <p>Let compliance report annexing therewith copy of PPO within three weeks.</p> <p>List on 17.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Court No.1 (Sl. No. 7)

Ex. A. No. 335 of 2022 Inre : O.A. No. 606 of 2021

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

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Amrita Chakraborty, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents assisted by Warrant Officer S.K. Mishra, Departmental Representative for the respondents are present.</p> <p>Warrant Officer S.K. Mishra, Departmental Representative for the respondents states that PPO is still awaited.</p> <p>PPO be brought on record within three weeks.</p> <p>List on 17.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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
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Court No.1 (Sl. No. 8)

Ex. A. No. 383 of 2022 Inre : O.A. No. 637 of 2021

Ex. Hav. Virender Kumar

Applicant

By Legal Practitioner for the Applicant : Shri V.P. Pandey, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Avind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents three weeks further time is granted to file affidavit of compliance.</p> <p style="text-align: center;">List on 28.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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. 384 of 2022 Inre : O.A. No. 641 of 2021

Ex. Hav. Vijay Bahadur

Applicant

By Legal Practitioner for the Applicant : Shri K.P. Datta, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This is an application for implementation of order dated 08.02.2022 of this Tribunal in Original Application No. 641 of 2021 by which respondents have been directed to grant disability element of pension to the applicant @30% for life to be rounded off to 50% for life from the date of discharge.</p> <p style="text-align: center;">Ld. Counsel for the respondents submits that matter concerning to implementation of the order is pending with Ministry of Defence, three weeks further time be granted to file affidavit of compliance which is allowed. It is directed that if the order is not complied in the given time the respondents shall pay Rs.5,000/- as cost to the applicant.</p> <p style="text-align: center;">List on 28.03.2023.</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;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Sl. No. 10)

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><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>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. It is made clear that no further adjournment shall be granted on any ground.</p> <p>List on 28.02.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (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. 12)

O.A. No. 297 of 2022

Col. Prakash Chand Balwada (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Shri Gopal Dwivedi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Heard Shri Raj Kumar Mishra and Shri Gopal Dwivedi, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, 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;">(Maj. Gen. Sanjay Singh) 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. 708 of 2022

Ex. Hav. Pitam Singh

Applicant

By Legal Practitioner for the Applicant : Shri K.K. Misra, Advocate

Versus

Officer In Charge Arty Records, Nasik Road Capt & Others

Respondents

By Legal Practitioner for Respondents : Shri Asheesh Agnihotri, Advocate

Shri Alok Sharma, Senior Manager of Bank

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Heard Shri K.P. Datta, Advocate holding brief of Shri K.K. Misra, Ld. Counsel for the applicant, Shri Asheesh Agnihotri, Ld. Counsel for the respondent Nos. 1 and 2 and Shri Alok Sharma, Senior Manager, Indian Bank on behalf of respondent Nos. 3 and 4.</p> <p>The applicant has filed this Original Application under Section 14 of the Armed Forces Tribunal Act, 2007 to direct the respondent Nos. 3 and 4 to pay interest @9% on the amount withheld by them, from time to time, totalling Rs.8,06,238 (Rs. Eight lacs six thousand two hundred thirty eight only) for the duration of 01 Jan 2005 to 15 Feb 2022, the date it was released by CDA (P), Allahabad, till the date of its actual payment.</p> <p>Ld. Counsel for the applicant submitted that in July, 2005 the applicant's Re-Survey Medical Board was held which assessed his disability as before and accordingly PPO was issued by CDA (P), Allahabad, the applicant's Bankers i.e. respondent Nos. 3 and 4 ought to have made the payment of disability pension as per the PPO. He further submitted that the respondent Nos. 3 and 4 have no authority to withhold the payment of the applicant. Subsequently, after a gap of 17 years this amount was paid by the respondent Nos. 3 and 4.</p> <p>Ld. Counsel for the respondent Nos. 1 and 2 submitted that disability element initially granted to the applicant for five years w.e.f. 01.08.2000 and the same was notified vide PCDA (P), Prayagraj dated 19.02.2001 and thereafter applicant was granted disability element for life w.e.f. 11.07.2005 vide PCDA (P), Prayagraj PPO dated 09.01.2006. The applicant made a representation dated 21.09.2021 to PCDA (P), Prayagraj for non-payment of disability element on which basis of which PCDA (P), Prayagraj instructed the</p>

CPPC of the applicant to examine and make payment of disability element.

Shri Alok Sharma, Senior Manager, Indian Bank on behalf of respondent Nos. 3 and 4 submitted that the respondent Nos. 3 and 4 have received a letter dated 12.10.2021 from PCDA (P), Allahabad regarding payment of Disability Pension and based on that they have commenced the Disability Element immediately with effect from 01.11.2021. Since Disability Element PPO : D/RA/08085/2004 was not available in their records, they have obtained the Duplicate PPO from the Competent Authority on 07.02.2022 and on its receipt PPO immediately respondent Nos. 3 and 4 have processed the arrears of Rs.8,06,238/- and has been credited to applicant's account on 15.02.2022 without any delay. He pleaded for dismissal of Original Application.

Upon hearing submissions of Ld. Counsel for the applicant, respondent Nos. 1 and 2 and Shri Shri Alok Sharma, Senior Manager, Indian Bank for respondent Nos. 3 and 4 we find that there is delay of more than 17 years in payment of disability element to the applicant for which we are of the opinion that respondents are jointly and severally liable to pay interest to the applicant. In view of the above, Original Application deserves to be allowed.

Accordingly, Original Application is **allowed**. Respondents are directed to pay interest @8% on the amount with held by them i.e. Rs.8,06,238/- for the duration of 01.01.2005 to 15.02.2022, the date it has been released by the PCDA (P), Prayagraj, till the date of its actual payment. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will further invite interest @ 8% per annum till the actual payment.

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

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

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

O.A. No. 758 of 2022

Ex. Sigmn. Devraj Singh Bhadoriya Applicant
By Legal Practitioner for the Applicant : Shri Ashok Kumar, Advocate
Shri Pramod Kumar Tripathi, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Counter Affidavit filed by the respondents is taken on record.</p> <p>Heard Shri Ashok Kumar and Shri Pramod Kumar Tripathi, 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;">(Maj. Gen. Sanjay Singh) 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. 884 of 2022

Ex. Hav. Jagvir Singh

Applicant

By Legal Practitioner for the Applicant : Shri V.K. Chahar, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri V.K. Chahar, Ld. Counsel for the applicant and Shri Ashish Kumar 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;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 885 of 2022

Ex. JWO Baldev Singh Grewal Applicant
By Legal Practitioner for the Applicant : Shri V.K. Chahar, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri V.K. Chahar, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit as a last chance.</p> <p style="text-align: center;">List on 21.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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. 17)

O.A. No. 928 of 2022

Ex. Sep. Ravi Kant Dubey

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 Adesh Kumar Gupta, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record.</p> <p style="text-align: center;">Heard Shri V.P. Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed in respect of first and third disabilities.</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;">(Maj. Gen. Sanjay Singh) 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. 18)

O.A. No. 932 of 2022

Ex. ACP Nb. Sub. Ram Bharosa Yadav Applicant
By Legal Practitioner for the Applicant : Shri K.P. Datta, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Counter Affidavit filed by the respondents and Rejoinder Affidavit filed by the applicant are taken on record.</p> <p>Heard Shri K.P. Datta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, 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;">(Maj. Gen. Sanjay Singh) 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. 933 of 2022

Ex. Maj. Ashish Shakya Applicant
By Legal Practitioner for the Applicant : Shri Rohitash Kumar Sharma, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on 20.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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. 20)

O.A. No. 947 of 2022

Ex. Sub. Vinod Singh

Applicant

By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, 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 21.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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)

T.A. No. 12 of 2021

Wg. Cdr. Gaurav Bhatnagar
In person

Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Bipin Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Wg. Cdr. Gaurav Bhatnagar, the applicant, in person and Shri Bipin Kumar Singh, Ld. Counsel for the respondents assisted by Group Capt. Gaurav Singh, Departmental Representative for the respondents.</p> <p style="text-align: center;">Hearing concluded. Judgment reserved.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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)

T.A. No. 8 of 2022

Ex. Rect. Surendra Kumar

Applicant

By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri J.N. Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondent Nos. 1 to 4 are present.</p> <p>As per office note, notice to newly made respondents could not be issued due to steps being not taken.</p> <p>Steps must be taken within a week failing which application will be dismissed for non-prosecution.</p> <p>On steps being taken, issue notice to newly made respondents returnable within four weeks.</p> <p>List on 27.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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. 330 of 2020

Ex. Hav. Gajendra Singh

Applicant

By Legal Practitioner for the Applicant : Shri Virat Anand Singh, Advocate
Shri Pankaj Kumar Shukla, Advocate
Shri Ashish Kumar Singh, 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>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Rahul Dev Tripathi, Advocate holding brief of Shri Virat Anand Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the applicant the case is adjourned. List on 05.04.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 98 of 2021

Cpl. Sudhir Kumar Tripathi (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate
Shri Ravi Kumar Yadav, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the applicant the case is adjourned. List on 07.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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)

T.A. No. 9 of 2021 Diary No. 5030 of 2021 AFT (PB) New Delhi

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

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ravi Kumar Yadav, Advocate holding brief of Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the applicant the case is adjourned.</p> <p style="text-align: center;">List on 17.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 157 of 2023 with M.A. No. 155 of 2023

Ex. Nk. (TS) Ram Kishore Singh Applicant
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.), Advocate
Shri Rohit Kumar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Gyan 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 Rohit Kumar, Ld. Counsel for the applicant and Dr. Gyan 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, 11 months and 10 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 157 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 05.04.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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)

Ex. A. No. 28 of 2023 Inre : O.A. No. 183 of 2022

Ex. Nb. Sub. Gajadhar Prasad Applicant
By Legal Practitioner for the Applicant : Shri Dharam Raj Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Shri Ashish Kumar Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Dharam Raj Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>This application has been filed for implementation of order dated 08.07.2022 of this Tribunal in Original Application No. 183 of 2022 by which respondents have been directed to grant disability element @68% for life to be rounded off to 75% for life from the date of approval of RSMB proceedings i.e. 23.10.2020 and issue Corrigendum PPO granting arrears accordingly within a period of four months from the date of receipt of certified copy of the order.</p> <p>Ld. Counsel for the applicant submits that order has not been complied yet.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 23.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) 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. 3)

M.A. No. 153 of 2023 Inre : O.A. No. 217 of 2021

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

Versus

Ex. Sep. Manoj Kumar Sejwal Respondent
By Legal Practitioner for Respondents : None

Notes of the Registry	Orders of the Tribunal
	<p><u>10.02.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p><u>M.A. No. 153 of 2023</u></p> <p style="text-align: center;">Heard Shri Alok Kumar Mishra, Ld. Counsel for the applicants herein – Union of India & Others.</p> <p style="text-align: center;">This application has been filed seeking modification of order dated 30.03.2022 in Original Application No. 217 of 2021 by which respondents have been directed to grant disability pension to the applicant @50% for life to be rounded off to 75% 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 style="text-align: center;">During the course of hearing, Ld. Counsel for the applicants – Union of India & others submitted that applicants do not want to press the application, therefore, application may be dismissed as withdrawn.</p> <p style="text-align: center;">Accordingly, application is dismissed as withdrawn.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>