

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

O.A. No. 750 of 2023 with M.A. No. 904 of 2023

Ex. JWO Chandra Kant Trivedi Applicant
By Legal Practitioner for the Applicant : Shri Keshav Sharma, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri 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.2. Heard Shri Keshav Sharma, Ld. Counsel for the applicant and Shri Ramesh Chandra Shukla, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is a delay of 08 months and 28 days in filing of Original Application.5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. <p><u>O.A. No. 750 of 2023</u></p> <ol style="list-style-type: none">6. Case needs adjudication.7. Admit.8. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.9. List on 14.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</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. 751 of 2023 with M.A. No. 905 of 2023

Ex. JWO Rakesh Kumar Singh Applicant
By Legal Practitioner for the Applicant : Shri Keshav Sharma, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Rajiv 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.2. Heard Shri Keshav Sharma, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is a delay of 02 years, 03 months and 13 days in filing of Original Application.5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. <p><u>O.A. No. 751 of 2023</u></p> <ol style="list-style-type: none">6. Case needs adjudication.7. Admit.8. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.10. List on 14.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 752 of 2023 with M.A. No. 906 of 2023

Ex. Sgt. Ghanshyam Shukla Applicant
By Legal Practitioner for the Applicant : Shri Mahendra 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Memo of Appearance filed by Shri D.K. 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>2. Heard Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p>3. This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>4. There is a delay of 09 years and 17 days in filing of Original Application.</p> <p>5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 752 of 2023</u></p> <p>6. Case needs adjudication.</p> <p>7. Admit.</p> <p>8. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>11. List on 14.09.2023.</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>SB</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. 753 of 2023 with M.A. No. 907 of 2023

Ex. Sub. Arjun Singh Applicant
By Legal Practitioner for the Applicant : Shri K.P. Datta, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Memo of Appearance filed by Shri Namit Sharma, 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>2. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents.</p> <p>3. This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>4. There is a delay of 10 months and 01 day in filing of Original Application.</p> <p>5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 753 of 2023</u></p> <p>6. Case needs adjudication.</p> <p>7. Admit.</p> <p>8. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>12. List on 14.09.2023.</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>SB</p>

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

O.A. No. 754 of 2023 with M.A. No. 908 of 2023

Ex. Sgt. Ravi Kumar Applicant
By Legal Practitioner for the Applicant : Shri Dhiraj Kumar, Advocate
Shri Rahul Pal, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Memo of Appearance filed by Shri Sunil Sharma, 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>2. Heard Shri Rahul Pal, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p>3. There is a delay of 10 months and 01 day in filing of Original Application.</p> <p>4. For the reasons stated in affidavit filed in support of delay condonation application, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 754 of 2023</u></p> <p>5. Case needs adjudication.</p> <p>6. Admit.</p> <p>7. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>8. List on 14.09.2023.</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>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 6)

O.A. No. 755 of 2023 with M.A. No. 909 of 2023

Ex. Hav. Soban Lal Applicant
By Legal Practitioner for the Applicant : Shri Dhiraj Kumar, Advocate
Shri Rahul Pal, Advocate
Shri A.K. Upadhyay, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Memo of Appearance filed by Mrs. Kavita Mishra Belaura, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>2. Heard Shri Rahul Pal, Ld. Counsel for the applicant and Mrs. Kavita Mishra Belaura, Ld. Counsel for the respondents.</p> <p>3. Original Application has been filed for the grant of disability pension to the applicant.</p> <p>4. There is a delay of 07 years, 04 months and 16 days in filing of Original Application.</p> <p>5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 755 of 2023</u></p> <p>6. Case needs adjudication.</p> <p>7. Admit.</p> <p>8. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>9. List on 14.09.2023.</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>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 7)

O.A. No. 756 of 2023 with M.A. No. 910 of 2023

Ex. Hav. Lalit Mohan Joshi Applicant
By Legal Practitioner for the Applicant : Shri Tatsat Shukla, Advocate
Shri Dhiraj Kumar, Advocate
Shri Rahul Pal, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Kaushik Chaterjee, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri Rahul Pal, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents.3. Applicant has filed this Original Application for the grant of disability element of pension @ 30% to be rounded off to 50% for life from the date of discharge.4. It is submitted that applicant was enrolled in the Army on 21.09.1988 in Shape-1 and was discharged from service on 31.01.2005 in low medical category. The Applicant has developed Generalised Seizure during service which was assessed @ 30% for life by the Release Medical Board and his claim for grant of disability element was denied on the ground that disability was neither attributable to nor aggravated by military service.5. There being a delay of 5086 days in filing application, a delay condonation application has been filed and it is submitted that delay in filing application is not deliberate. It is further submitted that denial of pensionary benefits is continuing wrong.6. Learned counsel for the respondents, on the other hand, submits that there is long delay of 15 years in filing application and the same being not properly and satisfactorily explained on day to day basis, delay should not be condoned.7. Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off. <p><u>O.A. No. 756 of 2023</u></p> <ol style="list-style-type: none">8. Case needs adjudication.9. Admit.10. 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.11. List on 14.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 8)

O.A. No. 757 of 2023 with M.A. No. 911 of 2023

Ex.Sgt. Sachin Kumar

Applicant

By Legal Practitioner for the Applicant :

Shri Tatsat Shukla, Advocate
Shri Dhiraj Kumar, Advocate
Shri Rahul Pal, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Memo of Appearance filed by Ms. Appoli Srivastava, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>2. Heard Shri Rahul Pal, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</p> <p>3. Applicant has filed this application for the grant of 100% disability element instead of 40% for the disability suffered while in service.</p> <p>4. It is submitted by learned counsel for the applicant that applicant underwent surgery during service and due to negligence on the part of Doctor who conducted surgery, developed disability as assessed @ 40% for life for which disability element has been granted to him. His submission is that disability is the result on the part of Doctor, it should be treated @ 100% and disability element should be granted besides compensation for which he has made prayer in the Original Application.</p> <p>5. Per contra, learned counsel for the respondents submitted that disability suffered by the applicant has been assessed by Release Medical Board @ 40%, he is entitled to disability element at the same rate and not @ 100% as claimed by him.</p> <p>6. There being a delay of 301 days in filing application, a delay condonation application has been filed.</p> <p>7. Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 757 of 2023</u></p> <p>8. Case needs adjudication.</p> <p>9. Admit.</p> <p>10. 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>11. List on 14.09.2023.</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>

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

O.A. No. 758 of 2023 with M.A. No. 912 of 2023

Ex. Nk. Mohan Singh

Applicant

By Legal Practitioner for the Applicant : Shri Tatsat Shukla, Advocate
Shri Dhiraj Kumar, Advocate
Shri Rahul Pal, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Mrs. Deepti Prasad Bajpai, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Rahul Pal, Ld. Counsel for the applicant and Capt Priyanka, Departmental representative for the respondents.</p> <p>2. This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>3. There is a delay of 10 months and 01 days in filing of Original Application.</p> <p>4. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 758 of 2023</u></p> <p>5. Case needs adjudication.</p> <p>6. Admit.</p> <p>7. Departmental Representative 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>8. List on 14.09.2023.</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>SB</p>

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

O.A. No. 759 of 2023

Ex. Hav. Anand Singh Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Ram Sharan Awasthi, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Ram Sharan 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.2. On Heard Shri Shailendra Kumar Singh , Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents.3. Original Application has been filed for the grant of disability pension to the applicant.4. It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.5. Case needs adjudication.6. Admit.7. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.8. List on 15.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</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. 760 of 2023 with M.A. No. 913 of 2023

Ex. Sgt. Deepak Lazrus Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Adesh Kumar Gupta, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is a delay of 10 years, 02 months and 16 days in filing of Original Application.5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. <p><u>O.A. No. 760 of 2023</u></p> <ol style="list-style-type: none">6. Case needs adjudication.7. Admit.8. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.9. List on 15.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</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. 761 of 2023 with M.A. No. 914 of 2023

Ex. MWO Shukla Ramkishor Kashiprasad Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri RKS Chauhan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri RKS Chauhan, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents.3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is a delay of 08 years, 11 months and 04 days in filing of Original Application.5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. <p><u>O.A. No. 761 of 2023</u></p> <ol style="list-style-type: none">6. Case needs adjudication.7. Admit.8. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.9. List on 15.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

O.A. No. 762 of 2023 with M.A. No. 915 of 2023

Ex. Sep. Dham Singh Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. Ajit Kakkar (Retd), Advocate
Shri Manoj Kumar Awasthi, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Arvind Kumar Pandey, Advocate on behalf of the respondents is taken on record.2. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents.3. There is a delay of 42 years, 03 months and 28 days in filing of Original Application regarding which an application for condonation of delay has been filed.4. Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not intentional. His further submission is that applicant was enrolled in the Army on 17.02.1971 and was invalidated out from service on 19.09.1978 in low medical category due to disability 'Paranoid Reaction'. The applicant has preferred a representation/appeal before the respondents seeking grant of disability pension but the same was rejected by the respondents vide letter dated 06.12.1979. Thereafter, wife of the applicant preferred a representation dated 21.05.2004 but the same was not decided/replied by the respondents. The applicant preferred a RTI application dated 19.03.2022 which was replied by the respondents vide order dated 30.11.2022 providing copy of AFMSF-16 and thereafter, case for grant of disability pension was filed before this Tribunal. Thus, his submission is that delay is not deliberate, but for the reasons stated above.5. Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 42 years has not been properly and satisfactorily explained on day to day basis.6. Having heard the submissions of Ld. Counsel of both sides and considering the facts and circumstances of the case, we find that explanation

offered by the applicant for delay in filing Original 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 the present case.

7. In the result, we find that delay is not condonable.
8. Accordingly, delay condonation application is **rejected**.
9. Original Application being time barred is also **rejected**.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

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

O.A. No. 763 of 2023 with M.A. No. 916 of 2023

Ex. Hav. Kailash Chandra Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Arun Kumar Sahu, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. Heard Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents3. This Original Application has been filed for the grant of disability pension to the applicant.4. There is a delay of 10 months and 07 days in filing of Original Application.5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off. <p><u>O.A. No. 763 of 2023</u></p> <ol style="list-style-type: none">6. Case needs adjudication.7. Admit.8. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.9. List on 15.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 15)

Ex. A. No. 172 of 2023 Inre : O.A. No. 523 of 2022

Ex. Nk. Shiv Bahadur Singh Applicant
By Legal Practitioner for the Applicant : Shri Rang Nath Pandey, Advocate
Shri Rahul Pandey, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Pushpendra Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. On the case being taken up for hearing Shri Rang Nath Pandey and Shri Rahul Pandey, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents are present.3. This is fresh execution application which has been filed for implementation of order dated 11.01.2023 of this Tribunal in Original Application No. 523 of 2022.4. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instructions regarding compliance.5. List on 18.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

Ex. A. No. 173 of 2023 Inre : T.A. No. 50 of 2022

Ex.Sub. Maj. Balendra Prasad Pandey
In Person

Applicant

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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Memo of Appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</p> <p>2. On the case being taken up for hearing Ex. Sub. Maj. Balendra Prasad Pandey, the applicant in person and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>3. This is fresh execution application which has been filed for implementation of order dated 29.11.2022 of this Tribunal in Transferred Application No. 50 of 2022.</p> <p>4. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instructions regarding compliance.</p> <p>5. List on 18.09.2023.</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>SB</p>

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

Ex. A. No. 174 of 2023 Inre : O.A. No. 318 of 2022

Ex. Nk. Top Bahadur Thapa Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri RKS Chauhan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri RKS Chauhan, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri RKS Chauhan, Ld. Counsel for the respondents are present.3. This is fresh execution application which has been filed for implementation of order dated 09.01.2023 of this Tribunal in Original Application No. 318 of 2022.4. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instructions regarding compliance.5. List on 18.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

Ex. A. No. 176 of 2023 Inre : O.A. No. 250 of 2022

Lt. Col. Arjun Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Anurag Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present.3. This is fresh execution application which has been filed for implementation of order dated 09.12.2022 of this Tribunal in Original Application No. 250 of 2022.4. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instructions regarding compliance.5. List on 20.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 19)

Ex. A. No. 177 of 2023 Inre : O.A. No. 487 of 2022

Ex. Nk. Hansraj Singh Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.2. On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.3. This is fresh execution application which has been filed for implementation of order dated 15.11.2022 of this Tribunal in Original Application No. 487 of 2022.4. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instructions regarding compliance.5. List on 20.09.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

Ex. A. No. 114 of 2022 Inre : O.A. No. 244 of 2021

Ex. Hav. Narendra Singh Applicant
By Legal Practitioner for the Applicant : Shri Parijaat Belaura, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>2. This application has been filed for implementation of the order dated 01.10.2021 in OA No. 244 of 2021.</p> <p>3. By means of order, the respondents have been directed to grant disability pension to the applicant @ 20% to be rounded off to 50% for the period of five years from the next date of discharge with further directions to hold RSMB to assess further disability of the applicant, if any.</p> <p>4. It is submitted that in compliance of the order a PPO for the grant of disability pension to the applicant @ 20% to be rounded off to 50% for a period of five years from the next date of discharge was issued and RSMB of the applicant was also held on 01.02.2023 wherein his disability has been assessed @ 20%. Consequently, the case file of the applicant has been submitted for issuance of the PPO.</p> <p>5. In view of the above, three months further time has been sought for filing affidavit of compliance annexing therewith copy of RSMB and PPO which is allowed.</p> <p>6. List on 30.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

Ex. A. No. 249 of 2022 Inre : Ex.A. No. 99 of 2021 Inre : O.A. No. 88 of 2020

Ex. Hav. Rakshpal Singh Applicant
By Legal Practitioner for the Applicant : Shri Yashpal 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>2. It is submitted by learned counsel for the respondents that Govt. sanction is yet to be accorded, three weeks further time be granted which is allowed subject to payment of Rs. 5000/- as cost.</p> <p>3. List on 30.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

Ex. A. No. 273 of 2022 Inre : O.A. No. 773 of 2021

Ex. LD Mohan Lal 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents are present.</p> <p>2. An affidavit of compliance has been filed by the respondents which is taken on record.</p> <p>3. It is submitted that order has been complied with which is admitted to learned counsel for the applicant also.</p> <p>4. In view of the above, Execution Application is dismissed being rendered infructuous.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

Ex. A. No. 8 of 2023 Inre : O.A. No. 202 of 2022

Col. Surya Prakash Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri R.K. Singh, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri R.K. Singh, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>2. An affidavit filed today in Court on behalf of Maj. Gen. Ashok Singh is taken on record.</p> <p>3. Learned counsel for the respondents submitted that against the order dated 08.08.2022 directing the respondents to grant disability element to the applicant, a leave to appeal was filed which was dismissed by Tribunal on 03.03.2023. Thereafter, case file of the applicant was forwarded to Ministry of Defence (Pension/Legal) to examine the case with respect to implementation of the order. A request has also been forwarded to the Ministry of Defence on 03.07.2023 for issuance of conditional sanction for implementation of the order. Thus, four weeks further time has been sought for making compliance of the order which is allowed subject to payment of Rs. 5000/- as cost.</p> <p>4. List on 15.09.2023.</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>SB</p>

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

Ex. A. No. 33 of 2023 Inre : O.A. No. 148 of 2021

Ex. Sgt. Chandan Kumar Tiwari Applicant
By Legal Practitioner for the Applicant : Shri Rahul Pandey, Advocate
Shri Rang Nath Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Rahul Pandey and Shri Rang Nath Pandey, Ld. Counsel for the applicant and Ms. Purna Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, PCDA (P) Prayagraj are present.</p> <p>2. It is submitted by learned counsel for the respondents that in compliance of the order, PPO has been issued. As per PPO, copy whereof has been produced in court for perusal of the Bench also, applicant has been granted service pension @ Rs. 28020/- and disability element @ Rs. 8406/-.</p> <p>3. Learned counsel for the applicant submitted that in Pension Slip for the month of June 2023, 50% disability element is shown to have been commuted, however, nothing has been received in this regard in the account.</p> <p>4. Shri Rajeev Tiwari, Accounts Officer, PCDA (P) Prayagraj after seeing copy of PPO verified that it is mentioned in the PPO itself that earlier a sum of Rs. 15,25,689/- was paid to the applicant toward commuted amount and after commutation of 50% of disability element, new commutation amount is Rs. 19,83,396/- which means difference would be paid to the applicant.</p> <p>5. List on 18.09.2023 by which date applicant will produce updated copy of Passbook for perusal of the Bench.</p> <p>6. Let a copy of order be provided to AFT Legal Cell (Air Force) 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>SB</p>

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

Ex. A. No. 68 of 2023 Inre : O.A. No. 239 of 2022

Ex. L/Nk. Sanjay Kumar Patel Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</p> <p>2. Learned counsel for the respondents prays for and is granted four weeks further time to make compliance of the order.</p> <p>3. List on 31.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 26)

Ex. A. No. 69 of 2023 Inre : O.A. NO. 207 of 2022

Ex. Hony. Sub. Maj. Lal Bachan Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Preeti Mala, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Ms. Preeti Mala, Ld. Counsel for the respondents are present.</p> <p>2. Case file is said to be processed to office of Director PS-4, IHQ of MoD (Army) for implementation of the order. Four weeks further time has been sought for making compliance of the order which is allowed.</p> <p>3. List on 31.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

Ex. A. No. 71 of 2023 Inre : O.A. No. 291 of 2022

Ex. Sub. Jamaluddin Ansari Applicant
By Legal Practitioner for the Applicant : Shri Parijaat Belaura, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>2. Case file is said to be processed to office of Director PS-4, IHQ of MoD(Army) for implementation of the order. Four weeks further time has been sought for making compliance of the order which is allowed.</p> <p>3. List on 31.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

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

Ex. A. No. 91 of 2023 Inre : O.A. No. 433 of 2022

Ex. Hav. Madhusudan 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. Amrita Chakraborty, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p>2. Case file is said to be processed to office of Director PS-4, IHQ of MoD (Army) for implementation of the order. Four weeks further time has been sought for making compliance of the order which is allowed.</p> <p>3. List on 31.08.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 29)

Ex. A. No. 92 of 2023 Inre : T.A. No. 18 of 2022

Ex. MWO Govind Narayan Misrha Applicant
By Legal Practitioner for the Applicant : Shri Ramakant Gupta, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Rajesh Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Ramakant Gupta, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>2. It is submitted by learned counsel for the respondents that case filed of the applicant is pending in Ministry of Defence for issuance of Govt. sanction. Four weeks further time has been sought for making implementation of the order which is allowed.</p> <p>3. List on 01.09.2023.</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>SB</p>

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

O.A. No. 99 of 2022

Ex. Hav. Tirth Nath Ojha Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. Ajit Kakkar (Retd.), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Manoj Kumar Awasthi, advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd), Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. Original documents of the case are not available today.</p> <p>3. List on 26.07.2023 for hearing.</p> <p>4. On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 134 of 2023

Ex. Spr. Abhishek Singh

Applicant

By Legal Practitioner for the Applicant : Shri Yashpal Singh, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.2. Supplementary counter affidavit filed today in Court on behalf of the respondents is taken on record.3. Rejoinder affidavit, if any, may be filed within two weeks.4. List on 09.08.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 32)

O.A. No. 362 of 2023 with M.A. No. 412 of 2023

Ex. Nk. Anirudh Pandey Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. Ajit Kakkar (Retd.), Advocate
Shri Manoj Kumar Awasthi, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Objection to delay condonation application filed on behalf of the respondents is taken on record.</p> <p>2. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>3. This application has been filed for condoning delay of 7940 days in filing application.</p> <p>4. It is submitted by learned counsel for the applicant that applicant was enrolled in the Army on 23.11.1972 in Shape-1 medical category and was discharged from service with disability Generalised Seizure 345 V67 on 01.01.1999 after rendering more than 20 years of service. It is further submitted that applicant's claim for the grant of disability element was denied by the respondents being neither attributable to nor aggravated by military service. Delay in filing application is not deliberate and pensionary benefits cannot be denied on the ground of delay being continuing wrong.</p> <p>5. Learned counsel for the respondents has vehemently opposed the prayer saying there is long delay of 7940 days in filing application and the same is not properly and satisfactorily explained on day to day basis, delay should not be condoned.</p> <p>6. Upon hearing submissions of both sides and considering that denial of pensionary benefits is continuing wrong, delay in filing application is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 362 of 2023</u></p> <p>7. Case needs adjudication.</p> <p>8. Admit.</p> <p>9. Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>10. List on 15.09.2023.</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 style="text-align: left;">SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 33)

O.A. No. 363 of 2023

Ex. WO Piush Kant 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 R.C. Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Sudhir Kumar Singh and Shri Abhishek Singh, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents are present.</p> <p>2. As prayed by learned counsel for the respondents a week further time is granted to file counter affidavit.</p> <p>3. List on 20.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 34)

O.A. No. 382 of 2023

Ex. Sgt. Amit Kumar Applicant
By Legal Practitioner for the Applicant : Shri Mahendra Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Mahendra Kumar Singh, Ld. Counsel for the applicant and Ms. Prerna Singh, Ld. Counsel for the respondents are present.</p> <p>2. As prayed, two weeks further time is granted to file counter affidavit.</p> <p>3. List on 28.07.2023.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 35)

T.A. No. 32 of 2022

Ex. Hav. Sul Khan Singh Applicant
By Legal Practitioner for the Applicant : Shri Anirudh Kumar Singh, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Vakalatnama filed by Shri Anirudh Kumar Singh on behalf of the applicant is taken on record.2. On the case being taken up for hearing Shri Anirudh Kumar Singh, Ld. Counsel for the applicant and Shri Asheesh Agnihotri, Ld. Counsel for the respondents are present.3. Case has been received by transfer from the Lucknow High Court.4. Learned counsel for the respondents states that he is not in receipt of paper book.5. Learned counsel for the applicant is ready to provide copy of paper book to learned counsel for the respondents which may be provided within two weeks.6. List on 18.08.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 36)

T.A. No. 20 of 2023

Ex. Sgt. Pramod Kumar Sharma Applicant
By Legal Practitioner for the Applicant : Shri Ravi Kumar Yadav, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Ravi Kumar Yadav, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.2. Transferred Application is allowed.3. For orders, see our order passed on separate sheets.4. Misc. Application(s), pending if any, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 37)

T.A. No. 21 of 2023

Ex. Sgt. Ravindra Nath Mishra Applicant
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Shri Vinay Swaroop Mishra, Advocate
Shri Kapil Sharma, 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>10.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <ol style="list-style-type: none">1. Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.2. Transferred Application is allowed.3. For orders, see our order passed on separate sheets.4. Misc. Application(s), pending if any, shall be treated to have been disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>