

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

M.A. No. 763 of 2023 Inre : O.A. (A) No. 91 of 2022

Ex. Sep. Ajay Singh Applicant
By Legal Practitioner for the Applicant : Col. R.K. Tripathi (Retd.), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p><u>M.A. No. 763 of 2023</u></p> <ol style="list-style-type: none">1. Heard Col. R.K. Tripathi (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.2. This application has been filed in Original Application (Appeal) No.91 of 2022 for extension of parole of the applicant for a month. By order dated 23.03.2023 of this Tribunal passed in Misc. Application No. 127 of 2022 applicant was granted parole for a period of one month which is expiring on 28.05.2023.3. It is submitted by learned counsel for the applicant that after release of the applicant on parole the health of mother of the applicant has suddenly fallen down and needed care for which extension of parole of the applicant for a period of one month has necessitated.4. We have considered the case sympathetically and cause assigned for extension of parole being not found convincing are not inclined to grant extension.5. Accordingly, application is rejected. Applicant is directed to surrender himself before the concerned jail authority on the date his parole expires and inform the Tribunal. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Suppl. Sl. No. 2)

M.A. No. 764 of 2023 Inre : O.A. (A) No. 91 of 2022

Ex. Sep. Ajay Singh Applicant
By Legal Practitioner for the Applicant : Col. R.K. Tripathi (Retd.), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p><u>M.A. No. 764 of 2023</u></p> <ol style="list-style-type: none">1. Heard Col. R.K. Tripathi (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.2. This application has been filed in Original Application (Appeal) No. 91 of 2022 under para 511 of Regulations for the Army, 1987 (Revised Edition) for transfer of the applicant from District Jail Dhangri, Rajouri, Jammu & Kashmir to Central Jail, Naini, Prayagraj.3. It is submitted by learned counsel for the applicant that as per Para 511 of Regulations for the Army, 1987 (Revised Edition), applicant on conviction is required to be kept in prison near his home town. Applicant is the native of Prayagraj.4. We have considered Para 511 of Regulations for the Army, 1987 (Revised Edition) and observe that it is no where stated in the said Para that a convict shall be kept in prison near his home town after conviction. Prayer in this regard is not tenable, hence rejected.5. Application stands disposed of. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 1)
O.A. No. 614 of 2023

Ex. Hav. Shailendra Kumar Yadav Applicant
By Legal Practitioner for the Applicant : Shri S.N. Singh Gaherwar, Advocate
Shri Ajit Singh Gaherwar, 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>25.05.2023</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.2. Heard Shri S.N. Gaherwar, 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 element for the disability suffered by him while in service.4. Ld. Counsel for the applicant submits that applicant was enrolled in the Indian Army on 25.09.2001 and discharged from service in the rank of Havildar on 28.02.2023. He further submits that disability suffered by the applicant while in service was attributable to military service, however, the claim for the grant of disability element was denied by the respondents on 01.03.2023. The applicant preferred First Appeal dated 13.03.2023 against rejection of the claim and when the Appeal was not decided he preferred Second Appeal on 02.05.2023.5. From the above, it appears that applicant has preferred First Appeal against the order of rejection of claim of the disability element on 13.03.2023, and before being decided the said Appeal, has filed this Original Application before the expiry of six months period from the date Appeal was preferred, as provided under Section 22 (1) (b) of the Armed Forces Tribunal Act, 2007. Original Application being filed within six months from the date of Appeal is not maintainable.6. At this stage, learned Counsel for the applicant submitted that Original Application may be dismissed as withdrawn with liberty to file afresh.7. Accordingly, Original Application is dismissed being withdrawn with liberty to file afresh. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>AKD/-</p>

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

O.A. 615 of 2023 with M.A. 748 of 2023

Ex. Sgt. Falguni Gayen

Applicant

By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri R.K. Singh, Advocate
Shri V.K. Chahar, 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>25.05.2023</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 Kaushik Chatterjee, 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 R.K. Singh, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, 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 15 years, 05 months and 29 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. 615 of 2023</u></p> <p>6. 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>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 18.08.2023.</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>AKD/-</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. 617 of 2023

Ex. Sub. Suresh Kumar Pal Applicant
By Legal Practitioner for the Applicant : Shri Ashok Singh, Advocate
Shri Vikas Singh Chauhan, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2023</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.2. Heard Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents.3. The innocuous prayer of the applicant is that to direct the respondents to decide the applicant's Statutory Complaint dated 07.10.2022, which is pending with the respondents.4. With the consent of Ld. Counsel for the parties, we hereby dispose of the Original Application finally with the direction to the respondents to decide the applicant's Statutory Complaint dated 07.10.2022, annexed as Annexure No. A-1 of Original Application, by a speaking and reasoned order in accordance with law, if not already decided, within a period of four months from the date of receipt of copy of this order and communicate the decision to the applicant accordingly.5. Let copy of this order be provided to the learned Counsel for the parties. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 618 of 2023

Sigmn. Suraj Kumar Budhamagar Applicant
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate
Shri Babu Ram Sharma, 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>25.05.2023</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 Ms. Deepti Prasad Bajpai, 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.2. Heard Shri Vinay Pandey and Shri Babu Ram Sharma, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents.3. This 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 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>AKD/-</p>

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

Ex. A. No. 132 of 2023 Inre : O.A. No. 345 of 2021

Ex. Sub. (Hony. Lt.) Ati Raj Singh Applicant
By Legal Practitioner for the Applicant : Shri Virendra Kumar Gupta, 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>25.05.2023</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 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.</p> <p>2. Heard Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Shri Pushpendra Mishra, Ld. Counsel for the respondents.</p> <p>3. This application has been filed for implementation of order dated 29.09.2021 of this Tribunal in Original Application No. 345 of 2021.</p> <p>4. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.</p> <p>5. List on 01.08.2023.</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>AKD/-</p>

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

Ex. A. No. 137 of 2023 Inre : O.A. No. 404 of 2022

Gp. Capt. Rajesh Kumar Mishra (Retd.) Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. S.N. Dwivedi (Retd.), Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2023</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 Bipin 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. Heard Wg. Cdr. S.N. Dwivedi (Retd.), Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents.3. This is application has been filed for implementation of order dated 08.12.2022 of this Tribunal in Original Application No. 404 of 2022.4. Ld. Counsel for the respondents seeks and is allowed four weeks time to seek instruction regarding compliance.5. List on 24.08.2023. <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>AKD/-</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (Sl. No. 7)

Ex. A. No. 51 of 2022 Inre : O.A. No. 108 of 2021

Ex. Sep. Bharat Chand

Applicant

By Legal Practitioner for the Applicant : Shri Parijaat Belaura, 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>25.05.2023</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 Dr. Gyan Singh, Ld. Counsel for the respondents are present.</p> <p>2. This application has been filed for implementation of order dated 17.09.2021 in Original Application No. 108 of 2021. By means of this order the respondents have been directed to grant disability element to the applicant @30% for life which would be rounded off to 50% for life from the next date of his discharge within a period of four months from the date of receipt of a certified copy of the order.</p> <p>3. The order has not yet been complied with.</p> <p>4. On the last date i.e. 06.04.2023 time was granted to the respondents to make compliance of the order as a last chance.</p> <p>5. It is submitted by the Ld. Counsel for the respondents that respondents had filed Leave to Appeal against the order dated 17.09.2021 which was rejected on 12.12.2022 whereafter the case file of the applicant was processed for implementation of the order. Thus further time has again been sought which is allowed subject to condition that if the order is not complied with within a period of four weeks from today the officer responsible for implementation of the order will appear in person in Tribunal on the next date fixed to explain the reasons of non-compliance and also why coercive measure be not taken against him.</p> <p>6. List on 19.07.2023.</p> <p>7. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 148 of 2022 Inre : O.A. No. 446 of 2020

Ex. Nk. Mithilesh Singh Applicant
By Legal Practitioner for the Applicant : Shri Yashpal 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>25.05.2023</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 no one is present on behalf of the applicant nor is there any mention to pass over the case.2. Heard Shri Ashish Kumar Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.3. No objection against affidavit of compliance has been filed.4. We have gone through the affidavit of compliance and we find that order has been complied with.5. Accordingly, Execution Application has rendered infructuous and is dismissed as such. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 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>25.05.2023</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 Saurabh Shukla, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>2. Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj submits that in compliance to order PPO dated 04.05.2023 has been issued for payment of Rs.4,96,014/- as arrears of disability element, Rs.66,352/- as interest on arrears and the amount would be credited in applicant's account by the ends of this month. Applicant has been granted disability element @Rs.6,585/- as per month with effect from 01.03.2018.</p> <p>3. Ld. Counsel for the applicant is present in Court and admitted that he has received the copy of PPO and it is in order.</p> <p>4. Thus, the order has been complied with.</p> <p>5. In the result, Execution Application has rendered infructuous and is dismissed as such.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

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

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

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2023</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondent Nos. 1 to 4.</p> <p>2. Ld. Counsel for the applicant states that applicant wishes to file objection against affidavit of compliance as there is no mention of interest in the PPO despite there being a mention in this regard in the order.</p> <p>3. We have seen the copy of PPO and observe that there is a little delay in dispatching the copy of PPO to the applicant as well as Bank, with the result the payment credited in applicant's account with delay of about two months. The delay caused in compliance of order being minimal is condoned.</p> <p>4. Since order stands complied with, the Execution Application has rendered infructuous.</p> <p>5. In the result, Execution Application is dismissed.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 206 of 2022 Inre : O.A. No. 558 of 2019

Ex. L/Nk. Pramod Singh Yadav 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>25.05.2023</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 Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>2. Shri Rajeev Tiwari, Accounts Officer, PCDA (P), Prayagraj submits that there is discrepancy in the PPO issued to the applicant after the grant of disability element. Applicant was earlier in receipt of service pension which after the issue of subsequent PPO has been left to be entered. With the result, applicant at present is in receipt of disability element and not Service Pension. The issue has been taken up at the appropriate form and is expected to be resolved soon.</p> <p>3. Issue may be resolved within four weeks.</p> <p>4. List on 07.07.2023.</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>AKD/-</p>

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

O.A. No. 925 of 2022

Ex. Sub. Maha Ram Applicant
By Legal Practitioner for the Applicant : Shri Virendra Kumar Gupta, 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>25.05.2023</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 Virendra Kumar Gupta, Ld. Counsel for the applicant and Capt. Uma Yadav, Departmental Representative for the respondent Nos. 1 to 4 are present.2. Capt. Uma Yadav, Departmental Representative for the respondent Nos. 1 to 4 states that para-wise comments in the case has been received and forwarded to the Ld. Counsel. She further states to grant four weeks further time to file Counter Affidavit.3. Counter Affidavit may be filed within two weeks.4. No response has been filed by the respondent No. 5 despite service being held sufficient. Original Application will proceed exparte against him.5. List on 12.07.2023. <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 1129 of 2022

Col. Lokendra Singh Chauhan (Retd.) Applicant
By Legal Practitioner for the Applicant : Ms. Priyanka 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>25.05.2023</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 no one is present on behalf of the applicant.2. Shri R.C. Shukla, Ld. Counsel for the respondents is present.3. As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit as a last chance.4. List on 14.07.2023. <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>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. 294 of 2023

Lt. Col. Parsun Kanti Goswami Applicant
By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate
Kunwar Sushant Prakash, 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>25.05.2023</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 Mr. Shailendra Kumar Singh, Ld. Counsel for the applicant and Mr. Sunil Sharma, Ld. Counsel for the respondents assisted by Col. Jyoti Sharma, DJAG (Litigation), Headquarters, Central Command, Lucknow.</p> <p>2. Learned counsel for the applicant submitted that applicant has filed this Original Application against the order of the respondents convening General Court-Martial against him for the offences committed under Sections 45 and 63 of Army Act, 1950.</p> <p>3. Ld. Counsel submitted that trial against the applicant is barred by limitation under Section 122 of the Army Act, 1950 being commenced after expiry of three years from the date offences were allegedly committed. Applicant had taken a plea in bar in this regard before the General Court-Martial which was not decided when the application was filed. This Tribunal vide its order dated 01.05.2023 directed the General Court-Martial to decide the plea in bar within fifteen days by a reasoned and speaking order whereafter the same was heard and rejected by the General Court-Martial by a speaking order dated 24.05.2023. However, copy of the order has not been provided to the applicant saying it is not so directed in the Tribunal's order and order is subject to confirmation by the competent authority.</p> <p>4. Ld. Counsel further submitted that General Court-Martial is bent upon to conduct trial against the applicant without order passed on plea in bar confirmed by the competent authority and on the sole basis on which this Original Application is filed, the trial can't proceed against the applicant being barred by time as provided under section 122 of the Army Act, 1950. Thus, he submitted that proceedings of General Court-Martial be stayed till disposal of this application.</p>

5. Per contra, learned counsel for the respondents referred Rule 53(5) of the Army Rules, 1954 and submitted that if in a trial proceeded against an individual a plea in bar is taken and the same is rejected by the Court-Martial, even the order is subject to confirmation by the competent authority, the trial will proceed, it will not be stopped. He submitted that copy of order has not been provided to the applicant being order not confirmed.

6. Considering the facts and circumstances of the case, we direct the respondents to pass order regarding confirmation of the order passed by the General Court-Martial on plea in bar under Section 164 of the Army Act, 1950 within a period of four weeks from today. Thereafter, they shall provide the copy of order rejecting plea in bar and also under Section 164 of the Army Act, 1950 to the applicant within a week in order to enable the applicant to challenge the same, if required. Respondents may proceed with the trial, however, until further order of this Tribunal, no final order in the trial will be passed.

7. List on **13.07.2023**.

8. Let copy of this order be provided to the Ld. Counsel of both the parties for compliance.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

AKD/-

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

Diary No. 758 of 2023

Ex. Hony. Sub. Lt. MCPO MI Jai Singh Applicant
By Legal Practitioner for the Applicant : Shri Ved Prakash, Advocate
Shri Devendra Kumar, Advocate
Shri Vinay Pandey, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>25.05.2023</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 Babu Ram Sharma, Advocate holding brief of Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p>2. Defects raised by the registry have not been removed yet.</p> <p>3. They must be removed within a week failing which application will be dismissed for non-prosecution.</p> <p>4. List on 07.07.2023.</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>AKD/-</p>

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

Diary No. 1111 of 2023 Inre : T.A. No. 39 of 2017

Govind Singh Negi Applicant
By Legal Practitioner for the Applicant : Shri S.G. Singh, Advocate

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>25.05.2023</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 Anand Yadav, Advocate holding brief of Shri S.G. Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Delay condonation application has been filed today in Court by the applicant which is taken on record.</p> <p>3. Defect stands removed.</p> <p>4. List this matter tomorrow i.e. on 26.05.2023 before the appropriate Bench.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>