

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

**T.A. No. 78 of 2022**

**MWO Anand Prakash Tripathi (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>Vakalatnama filed by Shri Raj Kumar Mishra and Shri Arun Kumar Chaudhary, Advocate on behalf of the applicant and Memo of Appearance filed by Shri Rajiv Pandey, Advocate on behalf of the respondents are taken on record.</p> <p>Heard Shri Raj Kumar Mishra and Shri Arun Kumar Chaudhary, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>Transferred Application is <b>allowed</b>.</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;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 243 of 2022 Inre : O.A. No. 649 of 2021**

**Ex. MWO Raj Kumar Upadhyay** Applicant  
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that applicant is already in receipt of service pension. As regards disability element it is submitted that pension account of the applicant has been transferred to SPARSH, therefore, a new case has to be initiated by the Directorate of Air Veterans, Air Headquarters, New Delhi for the issue of PPO.</p> <p>Ld. Counsel for the respondents is directed to seek instruction if the case for issue of PPO for the grant of disability element has been initiated within two weeks.</p> <p>List on <b>01.03.2023</b>.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 306 of 2022 Inre : O.A. No. 612 of 2021**

**Ex. MWO Suresh Chandra Dwivedi** Applicant  
By Legal Practitioner for the Applicant : Shri Sudhir Kumar Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri R. Chandra, Advocate holding brief of Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that PPO in this case has been issued, however, pension account of the applicant being transferred to the SPARSH, a fresh case has to be initiated by the Directorate of Air Veterans, Air Headquarters, New Delhi for the issue of fresh PPO so that pension may be credited.</p> <p>Respondents are, therefore, directed to expedite the case and file affidavit of compliance within three weeks.</p> <p>List on <b>01.03.2023</b>.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 362 of 2022 Inre : O.A. No. 353 of 2021**

**Ex. JWO Bharat Singh** Applicant  
By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate  
Shri Amit Pandey, Advocate  
Ms. Nisha 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><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>Heard Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents assisted by Shri Rajiv Tiwari, Account Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>Ld. Counsel for the applicant submits that Execution Application may be disposed off being infructuous as in compliance of the order arrears have been credited in applicant's account.</p> <p>In view of the above, Execution Application has rendered infructuous and is liable to be dismissed as such. Accordingly, Execution Application is dismissed being rendered infructuous.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (Sl. No. 5)**

**Ex. A. No. 363 of 2022 Inre : O.A. No. 472 of 2021**

**Ex. HFO Love Kumar**

Applicant

By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate  
Shri Amit Pandey, Advocate  
Ms. Nisha Pandey, Advocate

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents : Shri Yogesh Kesarwani, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Shri Rajiv Tiwari, Account Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that PPO has been issued.</p> <p>Let the PPO be brought on record by way of affidavit within two weeks.</p> <p>List on <b>27.02.2023</b>.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

**Form No. 4**  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (Sl. No. 6)**

**Ex. A. No. 364 of 2022 with M.A. No. 1208 of 2022 Inre : O.A. No. 343 of 2021**

**Ex. JWO Vinod Kumar Chowbey** Applicant  
By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate  
Shri Amit Pandey, Advocate  
Ms. Nisha Pandey, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Shri Rajiv Tiwari, Account Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>On the request of Ld. Counsel for the respondents three weeks further time is granted to file affidavit of compliance annexing therewith copy of PPO issued by the SPARSH.</p> <p>List on <b>27.02.2023</b>.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 365 of 2022 Inre : O.A. No. 60 of 2021**

**Ex. JWO Shashi Bhushan Pandey** Applicant  
By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate  
Shri Amit Pandey, Advocate  
Ms. Nisha Pandey, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents assisted by Shri Rajiv Tiwari, Account Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>It is submitted by the Ld. Counsel for the respondents that PPO in this case has been issued, however, pension account of the applicant being migrated to the SPARSH, a fresh PPO is to be issued by the SPARSH.</p> <p>Let PPO be issued and affidavit of compliance be filed within three weeks.</p> <p>List on <b>27.02.2023</b>.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 366 of 2022 Inre : O.A. No. 49 of 2022**

**Ex. SJWO Bhola Prasad Shaw** Applicant  
By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate  
Shri Amit Pandey, Advocate  
Ms. Nisha Pandey, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Shri Rajiv Tiwari, Account Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>Ld. Counsel for the respondents states that e-PPO has been issued on 20.12.2022.</p> <p>Ld. Counsel for the respondents prays for and is granted three weeks time to file affidavit of compliance regarding payment of arrears.</p> <p>List on <b>27.02.2023</b>.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**Ex. A. No. 367 of 2022 Inre : O.A. No. 471 of 2021**

**Ex. WO Rajiv Bhatia** Applicant  
By Legal Practitioner for the Applicant : Shri Shiv Kant Pandey, Advocate  
Shri Amit Pandey, Advocate  
Ms. Nisha Pandey, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>On the case being taken up for hearing Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Shri Rajiv Tiwari, Account Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>It is submitted that after the issue of PPO the pension account of the applicant was migrated to the SPARSH and fresh PPO was required to be issued for which case had to be initiated by the Directorate of Air Veterans, Air Headquarters, New Delhi i.e. respondent No. 5.</p> <p>It is not known whether the case has been initiated or not. Ld. Counsel for the respondents is, therefore, directed to seek instructions and file affidavit of compliance within three weeks.</p> <p>List on <b>27.02.2023</b>.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 397 of 2022**

**Ex. WO Mahendra Singh Kushwaha** Applicant  
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri D.K. pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

O.A. No. 576 of 2022

**Ex. Sgt. Rakesh Kumar Sharma**

Applicant

By Legal Practitioner for the Applicant : Shri Shri Kant Pandey, Advocate  
Shri Amit Pandey, Advocate  
Ms. Nisha 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><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Shiv Kant Pandey, Shri Amit Pandey and Ms. Nisha Pandey, Ld. Counsel for the applicant and Shri Sunil Sharma, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 677 of 2022**

**MWO (HFO) Arvind Kumar Mishra (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri Durgesh Kumar Sharma, Advocate  
Shri Ramakant Gupta, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri R.K.S. Chauhan, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Durgesh Kumar Sharma and Shri Ramakant Gupta, Ld. Counsel for the applicant and Shri R.K.S. Chauhan, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>allowed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

O.A. No. 678 o f2022

**JWO Keerti Kumar (Retd.)** Applicant  
By Legal Practitioner for the Applicant : Shri Durgesh Kumar Sharma, Advocate  
Shri Ramakant Gupta, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">Heard Shri Durgesh Kumar Sharma and Shri Ramakant Gupta, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is <b>dismissed</b>.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A)</p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</p> <p>AKD/-</p>

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

**O.A. No. 934 of 2022**

**Ex. CPO LOG (F&A) Dheeraj Kumar** 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><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p style="text-align: center;">On the case being taken up for hearing Shri Ved Prakash, Shri Devendra Kumar and Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on <b>23.02.2023</b>.</p> <p style="text-align: center;"><b>(Maj. Gen. Sanjay Singh)</b> Member (A) <span style="margin-left: 200px;"><b>(Justice Umesh Chandra Srivastava)</b> Member (J)</span></p> <p>AKD/-</p>

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

**R.A. No. 1 of 2023 with M.A. No. 47 of 2023 & M.A. No. 48 of 2023**  
**Inre : O.A. No. 535 of 2021**

**The Chief Manager, SBI, CPPC, Allahabad & Another** Applicants  
By Legal Practitioner for the Applicants : Mohd. Zafar Khan, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.01.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></b></p> <p>Heard Mohd. Zafar Khan, Ld. Counsel for the applicants – The Chief Manager, State Bank of India, CPPC, Allahabad and another (Respondent Nos. 5 and 5 in Original Application No. 535 of 2021) and Shri J.N. Mishra, Ld. Counsel for the respondents – Union of India &amp; others (Respondent Nos. 1 to 4 in Original Application No. 535 of 2021).</p> <p><b><u>M.A. No. 47 of 2023</u></b></p> <p>For the reasons stated in affidavit filed in support of application for condonation of delay, delay in filing the Review Application is condoned. Delay condonation application stands disposed off accordingly.</p> <p><b><u>Review Application No. 01 of 2023</u></b></p> <p>The Review Applicants have filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicants herein have prayed for review and setting aside the judgement and order dated 21.03.2022 of this Tribunal passed in Original Application No. 535 of 2021 by applicants herein (Bank concerned i.e. PDA of the applicant) have been directed to pay simple interest @6% per annum on delayed payment of arrears of War Injury Element to the applicant within a period of three months positively, default will invite interest @8% per annum till actual payment.-</p> <p>The order of which review has been sought was passed by the Bench comprising of (Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) and Hon'ble Vice Admiral Abhay Raghunath Karvey, Member (A) (since transferred to AFT, Regional Bench, Mumbai).</p> <p>It is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed.</p>

For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure, 1908 is reproduced below :-

*“1. Application for review of judgment.- (1) any person considering himself aggrieved-*

*(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*

*(b) by a decree or order from which no appeal is allowed, or*

*(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record , or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”*

In view of the principles of law laid down by the Hon'ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon'ble Supreme Court in Para 9 of its judgment in the case of ***Parsion Devi and others vs. Sumitri Devi and others***, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

*“9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self- evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."*

Further, the Hon'ble Supreme Court in Para 26 of its judgment in the case of ***S. Madhusudhan Reddy Versus V. Narayana Reddy and Others***, Civil Appeal Nos. 5503-04 of 2022, decided on 18.08.2022, has observed as under :-

*“26. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason*

*sufficient on grounds, at least analogous to those specified in the rule”*

In the light of the legal position crystalized above, we have gone through the judgment and order sought to be reviewed and no illegality or irregularity or error apparent on the face of record being found therein, we are of the view that there is no force in the grounds taken in the review application so that order may be reviewed.

In the result, Review Application is **rejected**.

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

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

AKD/-