

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

O.A. No. 99 of 2023 with M.A. No. 94 of 2023

JWO Ram Ashish Vishwakarma

Applicant

By Legal Practitioner for the Applicant : Shri Kapil Sharma, Advocate
Shri Raj Kumar Sharma, Advocate
Ms. Upasna Mishra, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Shri J.N. Mishra, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri Kapil Sharma, Shri Raj Kumar Sharma and Ms. Upasna Mishra, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 05 months and 17 days in filing of Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that denial of disability pension is a recurring cause of action.</p> <p>Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 99 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 28.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 101 of 2023 with M.A. No. 96 of 2023

Ex. Nk. Rattan Mani Applicant
By Legal Practitioner for the Applicant : Lt. Col. Nidhikant Dhyani (Retd.), Advocate
Shri Raj Kumar Mishra, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Lt. Col. Nidhikant Dhyani (Retd.) and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 03 years and 01 month in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 101 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 28.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 102 of 2023

Col. Anil Kumar Mishra Applicant
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri Rakesh Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Chet Narayan Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri V.P. Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Dr. Chet narayan Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 28.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 103 of 2023 with M.A. No. 100 of 2023

Lt. Col. Parul Gupta (Retd.)

Applicant

By Legal Practitioner for the Applicant : Shri J.L. Joel, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Memo of Appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>Heard Shri J.L. Joel, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension to the applicant.</p> <p>There is a delay of 01 month and 22 days in filing of Original Application.</p> <p>Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 103 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 28.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

M.A. No. 98 of 2023 with M.A. No. 99 of 2023 Inre : O.A. No. 812 of 2021

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

Versus

Ex. Nk. Shankar Dnyanu Mane Respondent
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Dr. S.N. Pandey, Ld. Counsel for the applicants herein – Union of India & Others.</p> <p style="text-align: center;">This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 04.05.2022 of this Tribunal in Original Application No. 812 of 2021.</p> <p style="text-align: center;">It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 03 month and 23 days in filing of application be condoned.</p> <p style="text-align: center;">In view of the facts stated in affidavit filed in support of delay condonation application, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off accordingly.</p> <p style="text-align: center;">Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted.</p> <p style="text-align: center;">Accordingly, Leave to Appeal is dismissed.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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Court No.1 (Sl. No. 6)

Ex. A. No. 43 of 2018 Inre : M.A. No. 972 of 2017 Inre : O.A. No. (Nil) of 2017

Rect. Shailesh Mishra Applicant
By Legal Practitioner for the Applicant : Shri Om Prakash Kushwaha, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing no one is present on behalf of the applicant.</p> <p style="text-align: center;">Dr. Gyan Singh, Ld. Counsel for the respondent Nos. 1 to 4 and Shri Ashish Mishra, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p style="text-align: center;">No objection has been filed against affidavit of compliance.</p> <p style="text-align: center;">We have perused the affidavit of compliance and we find that it is in terms of the order. Thus, the order stands complied with.</p> <p style="text-align: center;">Accordingly, Execution Application is dismissed being infructuous.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 94 of 2021 Inre : O.A. No. 38 of 2020

Ex. Sub. (Hony. Capt) Paramhans Yadava Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents assisted by Shri Rajiv Tiwari, Account Officer, Principal Controller of Defence Accounts (Pension), Prayagraj are present.</p> <p>As prayed by the Ld. Counsel for the respondents a week further time is granted to file compliance report.</p> <p>List on 14.02.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 41 of 2022 Inre : O.A. No. 258 of 2018

Ex. Gnr. Ashish Kumar Pandey 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
Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant, Ms. Anju Singh, Ld. Counsel for the respondent Nos. 1 to 4 and Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 are present.</p> <p>On the request of Mohd. Zafar Khan, Ld. Counsel for the respondent Nos. 5 and 6 two weeks further time is granted to file reply to the objection filed by the applicant.</p> <p>List on 28.02.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 50 of 2022 Inre : O.A. No. 386 of 2019

Ex. Sigm. Raghu Bir Singh Negi Applicant
By Legal Practitioner for th Applicant : Shri Sudhir Kumar 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Sudhir Kumar Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, 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 two weeks further time is granted to file affidavit of compliance.</p> <p>List on 17.02.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 248 of 2022 Inre : O.A. No. 310 of 2021

Ex. Hav. Akhilesh Kumar Ojha Applicant
By Legal Practitioner for the Applicant : Shri Shamshad Alam, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shamshad Alam, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents are present.</p> <p>Shri Devesh Kumar, Ld. Counsel for the respondents informs that Government Sanction has been accorded.</p> <p>Let affidavit of compliance annexing therewith copy of order of Government Sanction as well as PPO be filed within four weeks.</p> <p>List on 28.02.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

Ex. A. No. 299 of 2022 Inre : O.A. No. 560 of 2021

Ex. MWO (HFO) Sharwan Kumar Singh Applicant
By Legal Practitioner for the Applicant : Shri S.N. Singh Gaherwar, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri S.N. Gaherwar, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents are present.</p> <p>An affidavit of compliance has been filed by the respondents which is taken on record.</p> <p>Objection, if any, to the affidavit of compliance may be filed within two weeks.</p> <p>List on 21.02.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 526 of 2022

Ex. L/Nk. Indra Kant Jha Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate
Shri Anshuman Srivastava, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri Manoj Kumar Awasthi and Shri Anshuman Srivastava, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">As prayed by the Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p style="text-align: center;">List on 01.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 614 of 2022

Ex. POA (AH) Ramesh Chander Applicant
By Legal Practitioner for the Applicant : Wg. Cdr. Ajit Kakkar (Retd.), 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents. Original Application is allowed. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (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. 14)

O.A. No. 679 of 2022

MWO (HFO) Om Prakash Sharma (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 J.N. Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri Durgesh Kumar Sharma and Shri Ramakant Gupta, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Sl. No. 15)
O.A. No. 686 of 2022

Ex. Sub. Brijesh Chandra Dubey Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</p> <p>During the course of hearing Ld. Counsel for the applicant submits that Original Application may be disposed of with direction to the respondents to hold Re-Survey Medical Board (RSMB) to assess the disability of the applicant for deciding entitlement of the disability pension.</p> <p>Ld. Counsel for the respondents submits that at the time of discharge from service the applicant was in SHAPE-1 as such there is no need for issuing direction to hold Re-Survey Medical Board (RSMB) to assess the disability of the applicant.</p> <p>Briefly stated facts of the case are that the applicant was enrolled in the Army Medical Corps of Indian Army on 06.07.1985 and discharged from service on 01.08.2015 (FN) on completion of extended service limit in the rank of Subedar in medical Category SHAPE-1 under Rule 13(3) Item I (i) (a) of the Army Rules, 1954. The applicant was placed in low medical category for the disability "IMPAIRED GLOCOSE TOLERANCE" with effect from 23.11.2005 for six months. Subsequently in re-categorization medical board, the applicant was placed in low medical category P2(P) with effect from 10.05.2006. Thereafter, in subsequent re-categorization medical board held on 19.05.2010 at Command Hospital (Southern Command), Pune the applicant was upgraded to medical category SHAPE-1.</p> <p>Upon hearing submission of Ld. Counsel of both the parties and considering the facts and circumstances of the case, we dispose of the Original Application finally with the direction to the respondents to conduct Re-Survey Medical Board (RSMB) of the applicant to assess his disability for deciding entitlement of disability element of disability pension. Respondents are further directed to give effect to the order within four months from the date of receipt of a certified copy of this order.</p> <p>Let copy of this order be provided to the learned Counsel for the parties.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 742 of 2022

Ex. JWO Gyan Prakash Sharma Applicant
By Legal Practitioner for the Applicant : Shri Ved Prakash Pandey, Advocate
Shri Rakesh Kumar Singh, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ved Prakash Pandey and Shri Rakesh Kumar Singh, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p>On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>List on 01.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (Sl. No. 17)

O.A. No. 748 of 2022

Ex. Sgt. Chandra Kant Pandey Applicant
By Legal Practitioner for the Applicant : Shri Amit Asthana 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri Amit Asthana, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 829 of 2022

Ex. Nk. Hari Mohan Singh

Applicant

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

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Devesh Kumar Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri J.N. Mishra, Ld. Counsel for the applicant and Shri Devesh Kumar Mishra, Ld. Counsel for the respondents. Original Application is allowed. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 94 of 2023 with M.A. No. 86 of 2023

Ex. Sub. Yogendra Yadav Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate
Shri Anshuman Srivastava, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>A delay condonation application has been filed by the applicant which is taken on record.</p> <p>With this defect stands rectified.</p> <p>Heard Shri Manoj Kumar Awasthi and Shri Anshuman Srivastava, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 86 of 2023</u></p> <p>This application has been filed for condoning the delay of 23 days in filing of Original Application for the grant of disability pension.</p> <p>It is submitted by the Ld. Counsel for the applicant that delay in filing the Original Application is not intentional. It is further submitted that law of limitation is not applicable in pensionary matter as it is a continuing cause of action.</p> <p>Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off accordingly.</p> <p><u>O.A. No. 94 of 2023</u></p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's claim for the grant of disability pension has been wrongly denied by the respondents.</p> <p>Case needs adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List on 03.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

R.A. No. 3 of 2023 Inre : O.A. No. 530 of 2022

Ex. Cfn. Surya Bhan Giri Applicant
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents assisted by Major Tarun V. Pillai, Departmental Representative for the respondents are present.</p> <p>After the case being heard at good length by the Ld. Counsel for the parties, the Departmental Representative for the respondents sought time to seek instruction if any Appeal against the Judgment and order dated 01.12.2017 in Original Application Nos. 1439 to 1441, 1448, 1452 of 2016 and 1663 of 2017 has been filed or not which is allowed.</p> <p style="text-align: center;">List on 16.02.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

T.A. No. 38 of 2022

Zaheer Khan

Applicant

By Legal Practitioner for the Applicant : None

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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>The case has been received by transfer from Lucknow Bench of Hon'ble Allahabad High Court.</p> <p>After the case being received by transfer a notice was sent to the applicant which has not been received unserved/undelivered.</p> <p>Shri Samrendra Nath Pandey, Advocate had filed the Writ Petition in the Lucknow Bench of Hon'ble Allahabad High Court.</p> <p>Issue notice to Shri Samrendra Nath Pandey, Advocate, K-805 B, Aashiana Colony, Sector – K, Lucknow-12, U.P. returnable within four weeks.</p> <p>List on 21.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 260 of 2018

Satendra Singh Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Major Tarun V. Pillai, Departmental Representative for the respondents are present.</p> <p>Major Tarun V. Pillai, Departmental Representative for the respondents, on the basis of communication received, states that applicant has died on 28.08.2020.</p> <p>No steps for substitution has been taken.</p> <p>In view of the above, Original Application is dismissed being abated.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 484 of 2018 with M.A. No. 84 of 2022 and M.A. No. 113 of 2019

Nb. Sub. Jagbhan Singh Tomar

Applicant

By Legal Practitioner for the Applicant : Shri J.N. Mishra, Advocate
Mohd. Zafar Khan, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri G.S. Sikarwar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Mohd. Zafar Khan, Ld. Counsel appearing for the applicant and Shri G.S. Sikarwar, Ld. Counsel appearing for the respondents. Hearing concluded. Judgment reserved.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 310 of 2020

Nityanand Mondal

Applicant

By Legal Practitioner for the Applicant : Shri Gyan Singh Chauhan, Advocate
Shri K.B. Singh, Advocate
Shri Ashish Gupta, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Mohd. Zafar Khan, Advocate holding brief of Shri Gyan Singh Chauhan, , Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents are present.</p> <p style="text-align: center;">On the request of Ld. Counsel for the applicant the case is adjourned.</p> <p style="text-align: center;">List on 22.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 378 of 2021

Hav. Pranav Kumar Applicant
By Legal Practitioner for the Applicant : Shri K.P. Datta, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the case being taken up for hearing Shri K.P. Datta, Ld. Counsel for the applicant and Capt. Uma Yadav, Departmental Representative for the respondents are present.</p> <p style="text-align: center;">On the request of Capt. Uma Yadav, Departmental Representative for the respondents the case is adjourned.</p> <p style="text-align: center;">List on 22.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 683 of 2022

Ex. Hav. S. Ravi Shankar

Applicant

By Legal Practitioner for the Applicant : Shri K.P. Datta, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Counter Affidavit filed by the respondents is taken on record. Heard Shri K.P. Datta, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents. Original Application is allowed. For orders, see our order passed on separate sheets. Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 824 of 2022

Ex. Hav. Kheem Singh Mehra Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

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

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri R. Chandra, Advocate holding brief of Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

O.A. No. 835 of 2022

Ex. Hav. Prem Chand

Applicant

By Legal Practitioner for the Applicant : Shri Ashok Kumar, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Dr. Gyan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri Ashok Kumar, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents.</p> <p style="text-align: center;">Original Application is allowed.</p> <p style="text-align: center;">For orders, see our order passed on separate sheets.</p> <p style="text-align: center;">Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

T.A. No. 06 of 2019

Ex. Nk. Bishram Singh Rajput Applicant
By Legal Practitioner for the Applicant : Shri Om Prakash Kushwaha, 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>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">On the request of Capt. Uma Yadav, Departmental Representative for the respondents the case is adjourned.</p> <p style="text-align: center;">List on 23.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

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

R.A. No. 4 of 2023 with M.A. No. 97 of 2023 Inre : O.A. No. 171 of 2020

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

Versus

Smt. Suman Devi W/o Late ex. Lance Nk. Ramesh Chandra Respondent
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Maj. Gen. Sanjay Singh, Member (A)</u></p> <p style="text-align: center;">Heard Shri Ashish Kumar Singh, Ld. Counsel for the applicants herein – Union of India & Others.</p> <p style="text-align: center;">This application has been filed to review the order dated 19.07.2021 in Original Application No. 171 of 2020 by which applicants herein (respondents in Original Application) have been directed to grant special family pension to the applicant with effect from the date of death of her husband.</p> <p style="text-align: center;">Case needs hearing. Admit. Issue notice to the respondent herein returnable within four weeks. Steps for notice be taken within a week. List on 28.03.2023.</p> <p style="text-align: center;">(Maj. Gen. Sanjay Singh) Member (A) (Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>