

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

**O.A. No. 499 of 2023 with M.A. No. 598 of 2023**

**Ex. Hav. Ram Bhajan Yadav** Applicant  
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. Memo of Appearance filed by Ms. Appoli Srivastava, Advocate on behalf of the respondents is taken on record. Her name be shown as Counsel for the respondents when the case is listed next.</li><li>2. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents.</li><li>3. This Original Application has been filed for the grant of disability pension to the applicant.</li><li>4. There is a delay of 07 months and 23 days in filing of Original Application.</li><li>5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</li></ol> <p><b><u>O.A. No. 499 of 2023</u></b></p> <ol style="list-style-type: none"><li>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.</li><li>7. Case needs adjudication.</li><li>8. Admit.</li><li>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.</li><li>10. List on <b>01.08.2023</b>.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 501 of 2023 with M.A. No. 601 of 2023**

**Ex. WO Kuldip Narain Chaturvedi** Applicant  
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate  
Shri A.K. Chaudhary, Advocate  
Ms. Upasna Mishra, 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>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <ol style="list-style-type: none"><li>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.</li><li>2. Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Ms. Deepti Prasad Bajpai, Ld. Counsel for the respondents.</li><li>3. This Original Application has been filed for the grant of disability pension to the applicant.</li><li>4. There is a delay of 11 years, 07 months and 08 days in filing of Original Application.</li><li>5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</li></ol> <p><b><u>O.A. No. 501 of 2023</u></b></p> <ol style="list-style-type: none"><li>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.</li><li>7. Case needs adjudication.</li><li>8. Admit.</li><li>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.</li><li>10. List on <b>01.08.2023</b>.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**O.A. No. 502 of 2023 with M.A. No. 602 of 2023**

**Ex. JWO Janardan Lal** Applicant  
By Legal Practitioner for the Applicant : Shri Satya Narayan Mishra, Advocate  
Shri Raj Kumar Mishra, Advocate  
Ms. Upsana Mishra, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</li><li>2. Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</li><li>3. This Original Application has been filed for the grant of disability pension to the applicant.</li><li>4. There is a delay of 08 years, 03 months and 28 days in filing of Original Application.</li><li>5. Being a pensionary matter, delay is condoned. Delay condonation application stands disposed off.</li></ol> <p><b><u>O.A. No. 502 of 2023</u></b></p> <ol style="list-style-type: none"><li>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.</li><li>7. Case needs adjudication.</li><li>8. Admit.</li><li>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.</li><li>10. List on <b>01.08.2023</b>.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>

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

**M.A. No. 597 of 2023 Inre O.A. No. 526 of 2022**

**Ex. L/NK Indra Kant Jha** Applicant  
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awashti, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p><b><u>M.A. No. 597 of 2023</u></b></p> <ol style="list-style-type: none"><li>1. Memo of Appearance filed by Shri Shyam Singh, Advocate on behalf of the respondents is taken on record.</li><li>2. Heard Shri Mmanoj Kumar Awashti, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</li><li>3. For the reasons stated in affidavit filed in support of correction application, correction application is <b>allowed</b>.</li><li>4. In the order dated 23.03.2023 in Original Application No. 526 of 2022 the father's name of the applicant be corrected as "<b>KRISHNA BHADRA JHA</b>" in place of "K.G. Jha".</li><li>5. The above correction be also made in the Original Application.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</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**  
**Special Bench (Sl. No. 5)**

**R.A. No. 21 of 2023 with M.A. No. 587 of 2023 Inre T.A. No. 9 of 2017**

**Smt. Sharda Devi** Applicant  
By Legal Practitioner for the Applicant : Wg. Cdr Ajit Kakkar(Retd.), Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Capt. Priyanka Rathore, Departmental Representative

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p><b><u>R.A. No. 21 of 2023 with M.A. No. 587 of 2023</u></b></p> <ol style="list-style-type: none"><li>1. Heard Shri Manoj Kumar Awasthi, Advocate holding brief of Wg. Cdr. Ajit Kakkar (Retd.), Ld. Counsel for the applicant and Capt. Priyanka Rathore, Departmental Representative for the respondents.</li><li>2. The Applicant has filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicant has prayed for review and setting aside the judgement and order dated 11.10.2021 of this Tribunal passed in Transferred Application No. 9 of 2017 by which respondents have been directed to consider the claim of the applicant for division of family pension in equal share (i.e. 50% each) between the wife and mother of deceased soldier within a period of four months from the date of receipt of a certified copy of order.</li><li>3. There is a delay of 01 year and 18 days in filing of Review Application. Delay condonation application is dismissed.</li><li>4. Submission of Ld. Counsel for the applicant is that delay in filing Review Application is not deliberate. His further submission is that due to mitigating circumstances with the old and ailing applicant, her lack of knowledge with entitlement and rights to avail arrears of pension the Review Application could not be filed in time. The reasons of the delay are bona fide in nature and the delay at the hands of the applicant is inadvertent in nature. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</li><li>5. Capt. Priyanka Rathore, Departmental Representative for the respondents has vehemently opposed the prayer saying the long delay of more than one year has not been properly and satisfactorily explained on day to day basis.</li></ol>

6. Having heard the submissions of Ld. Counsel for the applicant and Departmental Representative for the respondents and considering the facts and circumstances of the case, we find that explanation offered by the applicant for delay in filing Review Application is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case.

7. Further, 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.

8. In the result, we find that delay is not condonable.

9. Accordingly, delay condonation application is **dismissed**.

10. In the result, Review Application is also **dismissed** being time barred as well as on merit.

(Vice Admiral Abhay Raghunath Karve)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)

AKD/-

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

**R.A. No. 19 of 2019 with M.A. No. 211 of 2021 Inre T.A. No. 1257 of 2010**

**Ex. Hav. R.D. Tripathi** Applicant  
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate  
Shri Shiv Kant Pandey, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. On the case being taken up for hearing no one is present on behalf of the applicant.</li><li>2. Shri Namit Sharma, Ld. Counsel for the respondents is present.</li><li>3. The case has been wrongly listed before this Bench.</li><li>4. Original documents are not available.</li><li>5. Vide order dated 20.03.2023 both parties have been granted two weeks time to file Written Submissions/Written Synopsis of the case and the case is listed for hearing on 15.05.2023.</li><li>6. In view of the above, list this matter before the appropriate Bench comprising of Hon'ble Mr. Justice Anil Kumar, Member (J) and Hon'ble Major General Sanjay Singh, Member (A) on the date fixed i.e. <b>15.05.2023</b>.</li><li>7. Respondents are directed to produce original documents pertaining to the case on the next date fixed for perusal of the Bench.</li><li>8. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</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**  
**Special Bench (Sl. No. 7)**

**R.A. No. 49 of 2022 with M.A. No. 493 of 2022 Inre T.A. No. 51 of 2017**

**Ex. Hav. Rajeshwar Ram** Applicant  
By Legal Practitioner for the Applicant : Shri Om Prakash, 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>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <ol style="list-style-type: none"><li>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.</li><li>2. Shri Yogesh Kesarwani, Ld. Counsel for the respondents is present.</li><li>3. This application has been filed to review the order dated 11.03.2022 in Transferred Application No. 51 of 2017 by which the Transferred Application has been dismissed being devoid of force.</li><li>4. 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.</li><li>5. With the result, Review Application is <b>dismissed</b>.</li><li>6. Misc. Application(s), pending if any, shall be treated to have been disposed of.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>



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

**R.A. No. 93 of 2022 Along with O.A. No. 164 of 2013**

**Ex. Warrant Officer, Shashi Kant Chaturvedi**  
In Person

Applicant

**Versus**

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</li><li>2. Heard Ex. Warrant Officer Shashi Kant Chaturvedi, the applicant, in person and Dr. Shailendra Sharma, Ld. Counsel for the respondents.</li><li>3. Review Application is <b>allowed</b>.</li><li>4. For orders, see our order passed on separate sheets.</li><li>5. Misc. Application(s), pending if any, shall be treated to have been disposed of.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</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**  
**Special Bench (Sl. No. 9)**

**R.A. No. 94 of 2022 Inre O.A. 279 of 2022**

**Smt. Janki Devi Chhetri W/o Late Ex. Hav. Rohit Dhar Chhetri** Applicant  
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal , Ld. Counsel for the respondents.</li><li>2. Review Application is <b>allowed</b>.</li><li>3. Correction application is also <b>allowed</b>.</li><li>4. For orders, see our order passed on separate sheets.</li><li>5. Misc. Application(s), pending if any, shall be treated to have been disposed of.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>                      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>    <b>Member (J)</b></p> <p>AKD/-</p>

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

**R.A. No. 16 of 2023 Inrre : T.A. No. 12 of 2022**

**Ex. Rect. Pawan Kumar Kharwar** Applicant  
By Legal Practitioner for the Applicant : Shri Om Prakash, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <ol style="list-style-type: none"><li>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.</li><li>2. Heard Ms. Amrita Chakraborty, Ld. Counsel for the respondents.</li><li>3. This application has been filed seeking review of order dated 19.01.2023 in Transferred Application No. 12 of 2022 under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which Transferred Application has been dismissed.</li><li>4. 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.</li><li>5. With the result, Review Application is <b>dismissed</b>.</li></ol> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**R.A. No. 19 of 2023 with M.A. No. 482 of 2023 & M.A. No. 484 of 2023**  
**Inre O.A. No. 606 of 2021**

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

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Memo of Appearance filed by Ms. Amrita Chakraborty, Advocate on behalf of the respondents is taken on record.</p> <p>2. Shri R. Chandra, Ld. Counsel for the applicant and Ms. Amrita Chakraborty, Ld. Counsel for the respondents are present.</p> <p><b><u>M.A. No. 482 of 2023</u></b></p> <p>3. For the reasons stated in affidavit filed in support of delay condonation application delay of 09 months and 11 days in filing of Review Application is condoned. Delay condonation application stands disposed off accordingly.</p> <p><b><u>Review Application No. 19 of 2023</u></b></p> <p>4. The Review Applicants have filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicants have prayed for review and setting aside the judgement and order dated 21.05.2022 of this Tribunal passed in Original Application No. 606 of 2021 <i>inter alia</i> on the ground that second disability i.e. 'SCHIZOPHRENIA' arose after 35 years of service which should be accepted as aggravated by service, in other cases of mental disorder, if disability has arisen after 10 years of service, the Tribunal is taking positive view and allowing the cases but in the instant case the same has not been done. The order reads as under:-</p> <p style="padding-left: 40px;"><i>“As a result of foregoing discussion, the O.A. is partly allowed. The impugned order passed by the respondents is set aside. The first disability of the applicant “Primary Hypertension” is to be considered as aggravated by military service. The applicant is entitled to disability element of pension @30% for life duly rounded off to 50% for life from the next date of discharge from service. The respondents are directed to grant disability element @50% for life from the next date of discharge</i></p>

from service. The respondents are directed to give effect to this order within a period of four months from the date of receipt of certified copy of the order. Default will invite interest @8% per annum till actual payment.”

5. 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.

6. 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.”*

7. 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."*

8. 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"*

9. 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.

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

(Vice Admiral Abhay Raghunath Karve)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)

AKD/-

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

**R.A. No. 22 of 2023 with M.A. No. 332 of 2023 Inre O.A. No. 590 of 2017**

**Sigmn. Ldr DH Prasad (Retd.) & Others** Applicant  
By Legal Practitioner for the Applicant : Shri Vijay Kumar Pandey, Advocate

**Versus**

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

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>2. The case is wrongly listed today. The date fixed in the case is 04.05.2023.</p> <p>3. List on the date fixed i.e. on <b>04.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> <b>Member (A)</b>      <b>Member (J)</b></p> <p>AKD/-</p>

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

**R.A. No. 23 of 2023 with M.A. No. 334 of 2023 Inre O.A. No. 599 of 2017**

**Maj. Rajendra Singh (Retd.) & 23 Others** Applicants  
By Legal Practitioner for the Applicants : Shri Vijay Kumar Pandey, Advocate

**Versus**

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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Shri Vijay Kumar Pandey, Ld. Counsel for the applicants and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. Objection filed today against the Review Application by the respondents is taken on record.</p> <p>4. The case is wrongly listed today. The date fixed in the case is 04.05.2023.</p> <p>5. List on the date fixed i.e. on <b>04.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Umesh Chandra Srivastava)</b> <b>Member (J)</b></p> <p>AKD/-</p>



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

**R.A. No. 25 of 2023 with M.A. No. 383 of 2023 Inre O.A. No. 729 of 2022**

**L/Nk Ritesh Pant** Applicant  
By Legal Practitioner for the Applicant : Shri N.K. Papnoi, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Capt. Priyanka Rathore, Departmental  
Representative

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. On the case being taken up for hearing Capt. Priyanka Rathore, Departmental Representative for the respondents is present.</p> <p>2. The case is wrongly listed today.</p> <p>3. List on the date fixed i.e. on <b>22.05.2023</b>.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b>      <b>(Justice Umesh Chandra Srivastava)</b> Member (A)      Member (J)</p> <p>AKD/-</p>

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

**R.A. No. 27 of 2023 with M.A. No. 586 of 2023 Inre O.A. No. 841 of 2021**

**Union of India & Others**

Applicants

By Legal Practitioner for the Applicants : Deepti Prasad Bajpai , Advocate

**Versus**

**Ex. Sgt. Sandeep Kumar**

Respondent

By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Ms. Deepti Prasad Bajpai , Ld. Counsel for the applicants herein - Union of India &amp; Others.</p> <p><b><u>M.A. No. 586 of 2023</u></b></p> <p>2. For the reasons stated in affidavit filed in support of delay condonation application, delay of 08 months and 06 days in filing of Review Application is condoned. Delay condonation application stands disposed off accordingly.</p> <p><b><u>Review Application No. 27 of 2023</u></b></p> <p>3. The Review Applicants have filed this application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 by which applicants have prayed for review and setting aside the judgement and order dated 14.07.2022 of this Tribunal passed in Original Application No. 841 of 2021. The order reads as under:-</p> <p style="padding-left: 40px;"><i>“In view of the above, the Original Application No. 841 of 2021 deserves to be allowed, hence allowed. The impugned order, rejecting the applicant's claim for grant of disability element of disability pension, is set aside. The disability of the applicant is held @20% for life as has been provided in Guide to Medical Officers, 2008. The applicant is entitled to get disability element @20% for life which would be rounded off to 50% for life with effect from three preceding years from the date of filing of the Original Application. The respondents are directed to grant disability element to the applicant @20% for life which would stand rounded off to 50% for life with effect from three preceding years from the date of filing of the Original Application. The date of filing of Original Application is 14.12.2021. The respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment.”</i></p>

4. 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.

5. 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.”*

6. 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."*

7. 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"*

8. 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.

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

(Vice Admiral Abhay Raghunath Karve)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)

AKD/-

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

**M.A. No. 1515 of 2018 with M.A. No. 1516 of 2018, R.A. No. 46 of 2018**  
**Along with**  
**Ex. A. No. 133 of 2017 Inre T.A. No. 1451 of 2010**

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

**Versus**

**Ex.Lance Dafedar Anil Kumar** Respondents  
By Legal Practitioner for Respondents : Col. Ashok Kumar (Retd.), Advocate  
Shri Rohit Kumar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><b><u>28.04.2023</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Shri Amit Jaiswal, Ld. Counsel for the applicants herein –Union of India &amp; Others and Shri Rohit Kumar, Ld. Counsel for the respondent herein.</p> <p>2. This Review Application has been filed based on order dated 23.03.2018 of the Hon'ble Apex Court in Criminal Appeal Diary No.(s) 7467 of 2018.</p> <p>3. Perusal of original documents relating to Court of Inquiry proceedings conducted against the applicant is required during hearing of Review Application.</p> <p>4. Applicants herein are, therefore, directed to produce original documents pertaining to Court of Inquiry conducted against the applicant on the next date fixed for perusal of the Bench.</p> <p>5. List on <b>13.07.2023</b>.</p> <p>6. Let copy of this order be provided to the Ld. Counsel for the applicants herein/AFT Legal Cell for compliance.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve)</b> <span style="float: right;"><b>(Justice Umesh Chandra Srivastava)</b></span> <b>Member (A)</b> <span style="float: right;"><b>Member (J)</b></span></p> <p>AKD/-</p>