

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

O.A. No. 1026 of 2022 with M.A. No. 1236 of 2022

Ex. Nk Hayat Singh Mehta
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Ashish Kumar Singh, Advocate on behalf of the respondents is taken on record.</p> <p>On the case being taken up for hearing Shri Lalit Kumar, Shri Dharam Raj Singh and Dr. Ashish Asthana, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents are present.</p> <p>There is a delay of 31 years, 04 months and 19 days in filing Original Application.</p> <p>Submission of Ld. Counsel for the applicant is that delay in filing Original Application is not intentional. His further submission is that applicant was enrolled in the Indian Army on 14.10.1969 and was discharged from service on 30.04.1988 in low medical category and was granted 20% disability for life for his disability 'Fracture Both Bones of (Rt) Forearm'. The applicant has preferred number of representations/appeals between June 1989 to January 2020 against the impugned order dated 30.01.1989 by which disability pension of the applicant was rejected by the respondents vide AMC Record Office letter dated 10.01.2020. Thus, his submission is that delay is not deliberate, but for the reasons stated above. He pleaded for grant of 20% disability pension duly rounded off to 50% w.e.f. 01.05.1988.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer and has submitted that long delay of more than 31 years has not been properly and satisfactorily explained.</p>

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

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

Accordingly, delay condonation application is **rejected**.

Original Application being time barred is also **rejected**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

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

O.A. No. 1023 of 2022 with M.A. No. 1233 of 2022

MWO (HFO) Chandra Bhusan Singh (Retd.) Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Dr. Gyan 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 Abhay Kant Upadhyay, Shri Neel Kant Upadhyay and Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Dr. Gyan 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 02 Years, 02 months and 11 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. 1023 of 2022</u></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 03.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

O.A. No. 1025 of 2022 with M.A. No. 1235 of 2022

Maj. Anil Kumar Chaturvedi (Retd.)
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Amit Jaiswal, 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 Sarvesh Kumar Verma, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p>This application has been filed for grant of promotion to the applicant to the rank of Lt Col (TS) w.e.f. 16.12.1998 with consequential benefits in pursuance to 6th CPC recommendations as approved by Govt. of India letter dated 14.01.2000 and AFT (PB), New Delhi order dated 29.05.2015 passed in OA No. 138 of 2013.</p> <p>There being a delay of 21 years, 06 months and 03 days in filing of Original Application, a delay condonation application has been filed and it is submitted that pensionary benefits cannot be denied on the ground of delay.</p> <p>Learned counsel for the respondents submits that there is an inordinate delay of 7848 days which has not been properly and satisfactorily explained.</p> <p>Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</p> <p><u>O.A. No. 1025 of 2022</u></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 03.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

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

Ex. A. No. 380 of 2022 Inre : O.A. No. 650 of 2021

Ex. L/Nk. Lalan Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align:justify">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.</p> <p style="text-align:justify">On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p style="text-align:justify">This application has been filed seeking implementation of order dated 05.05.2022 of this Tribunal in Original Application No. 650 of 2021 by which respondents has been directed to grant disability pension to the applicant @ 40% for life rounded off to 50% for life. They are further directed to implement the order within a period of four months from the date of receipt of a certified copy of the order.</p> <p style="text-align:justify">Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p style="text-align:justify">List on 06.02.2023.</p> <p style="text-align:center">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p>

SB/-

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

Ex. A. No. 382 of 2022 Inre : O.A. No. 482 of 2021

Ex. Sub. Pawan Kumar Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Memo of Appearance filed by Shri Vishwesh Kumar, 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>On the case being taken up for hearing Mohd. Zafar Khan, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>This application has been filed for implementation of order dated 03.02.2022 of this Tribunal in Original Application No. 482 of 2021 by which respondents has been directed to grant disability pension to the applicant. They are further directed to implement the order within a period of four months from the date of receipt of a certified copy of the order.</p> <p>Ld. Counsel for the respondents prays for and is granted four weeks time to seek instruction regarding compliance.</p> <p>List on 06.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court (Sl. No. 7)

Ex. A. No. 26 of 2018 Inre : T.A. No. 178 of 2009

Sriram Pandey Applicant
 By Legal Practitioner for the Applicant

Versus

Defence Secretary, Ministry of Defence, Respondents
Govt. of India & Others
 By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh and Shri Sachindra Pratap Singh, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents alongwith Shri Rajeev Tiwari, AO, PCDA (P) Prayagraj are present</p> <p>Affidavit of compliance filed on behalf of respondents No. 4 & 5 is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted a week time to file objection.</p> <p>List on 09.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

Ex. A. No. 4 of 2021 Inre : O.A. No. 590 of 2018

Ex. Rect. Surendar Prasad Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present</p> <p>Affidavit of compliance filed by the respondents is taken on record.</p> <p>Learned counsel for the applicant wants to file objection.</p> <p>Objection may be filed within two weeks.</p> <p>List on 18.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

Form No. 4
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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court (Sl. No. 10)

Ex. A. No. 43 of 2021 Inre : O.A. No. 80 of 2020

Ex. Sep. Jeewan Chandra Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant, Shri R.C. Shukla, Ld. Counsel for the respondent Nos. 1 to 4 and Shri Ashish Mishra, Ld. Counsel for the respondent No. 5 & 6 are present</p> <p>An affidavit of compliance has been filed today in court on behalf of respondents No. 5 & 6 which is taken on record.</p> <p>A calculation sheet has been attached alongwith affidavit of compliance for the period from 01.01.2019 to 17.09.2022.</p> <p>Learned counsel for the applicant submits that respondents were required to file calculation sheet w.e.f. 11.04.1978.</p> <p>Respondents to file calculation sheet w.e.f. 11.04.1978 within three weeks.</p> <p>List on 18.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court (Sl. No. 11)

Ex. A. No. 106 of 2021 Inre : O.A. No. 691 of 2020

Ex. Gnr. Ramesh Chander
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Dharam Raj Singh, Ld. Counsel for the applicant and Shri Anurag Mishra, Ld. Counsel for the respondents are present</p> <p>Lt Col Poltu Das who is present through video conference submits that applicant's case for implementation of the order has been approved by PS Directorate and forwarded to Principal Integrated Financial Advisor (PIFA) for financial concurrence. He further submits that as soon file is received back, case will be forwarded to PCDA (P) Prayagraj for generation of PPO.</p> <p>In view of above, four weeks further time is granted to file affidavit of compliance and it is directed that if the above order is not complied with, the PIFA will file an affidavit stating reasons therein regarding non compliance of the order of this Tribunal by the next date fixed.</p> <p>List on 25.01.2023.</p> <p>Let a copy of the order be provided to learned counsel for the respondents/ AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court (Sl. No.12)

Ex. A. No. 10 of 2022 Inre : O.A. No. 259 of 2015

Ex. Spr. Jaivir Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">It is submitted by learned counsel for the respondents that since an error has been happened in Govt. sanction, the applicant's case has been processed again for issuing correct Govt. sanction which is in final stage, four weeks further time be granted which is allowed.</p> <p style="text-align: justify;">Affidavit of compliance may be filed within four weeks.</p> <p style="text-align: justify;">List on 03.02.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
E-Court (Sl. No. 13)

Ex. A. No. 16 of 2022 Inre : O.A. No. 174 of 2015

Ex. Nk. Jageshwar Singh Applicant
By Legal Practitioner for the Applicant

Versus

Officer In Charge, The Records Signals & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Virendra Kumar Gupta, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>On request of learned counsel for the applicant three weeks further time is granted to file objection on the affidavit of compliance. It is further directed that in case no objection is filed within the given time, it shall be presumed that no objection is filed and the case will be decided on the basis of material available on record.</p> <p>List on 25.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

Ex. A. No. 48 of 2022 Inre : O.A. No. 235 of 2021

Ex. Nk. Raghuvender Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Mahendra Kumar Singh, Advocate holding brief of Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p>Learned counsel holding brief of learned counsel for the applicant submits that execution application may be disposed off as order has been complied with.</p> <p>In view of above, execution application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

Ex. A. No. 88 of 2022 Inre : O.A. No. 195 of 2019

Ex. Rfn. Hakim Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri K.K. Misra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, AO, PCDA (P) Prayagraj are present.</p> <p>Shri Rajeev Tiwari, AO, PCDA (P) Prayagraj submits that applicant's claim has been received in the office on 06.12.2022, PPO will be generated soon.</p> <p>Affidavit of compliance be filed within three weeks.</p> <p>List on 20.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

Ex. A. No. 126 of 2022 Inre : O.A. No. 198 of 2021

Ex. Hav. Suresh Chandra Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents assisted by Capt Priyanka, Departmental Representative of the respondents are present.</p> <p>Capt Priyanka, Departmental Representative of the respondents on email dated 13.10.2022 received from State Bank of India submits that in compliance of the order, arrears amounting to Rs. 5,01,934/- and commutation amount of Rs. 1,36,431/- has been credited in applicant's account on 02.08.2022.</p> <p>In view of above, order seems to be complied with.</p> <p>Accordingly, execution application has rendered infructuous and is dismissed as such.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

Ex. A. No. 139 of 2022 Inre : O.A. No. 663 of 2021

Ex. Sep. Rajveer Singh Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, 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 are present.</p> <p>An affidavit of compliance alongwith Re-Assessment Medical Board (RAMB) report has been today by the respondents which is taken on record.</p> <p>It is submitted by learned counsel for the respondents that since in compliance of the order RAMB has held and its report has been filed, execution application should be disposed off.</p> <p>In view of above, since the order has been complied with, execution application is dismissed being infructuous.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

Ex. A. No. 247 of 2022 Inre : O.A. No. 264 of 2021

Ex. Sgt. Ashuthosh Misra
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Ram Saran Awasthi, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, AO, PCDA (P) Prayagraj are present.</p> <p>An affidavit of compliance has been filed by the respondents which is taken on record.</p> <p>It is submitted by learned counsel for the respondents that since in compliance of the order Corrigendum PPO dated 15.03.2022 has been issued and a copy whereof has been filed alongwith affidavit of compliance, the execution application has rendered infructuous and should be dismissed as such.</p> <p>Learned counsel for the applicant submits that payment has not been received in applicant's account as yet.</p> <p>Since the matter pertains to Air Force and applicant has not yet been migrated to SPARSH, Directorate of Air Veterans, New Delhi is directed to initiate claim of the applicant for migration into SPARSH so that payment of disability pension is made/credited in the applicant's account in compliance of the order of this Tribunal dated 09.11.2021.</p> <p>List on 25.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

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

Ex. Hav. Rakshpal Singh
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents.</p> <p>Learned counsel for the applicant submits that last RSMB of the applicant was held on 08.04.1994 wherein his disability was assessed @ 30% for 5 years, however, the PCDA (P) overruled the recommendation for grant of disability element against which the applicant had filed OA No. 88 of 2020 which was allowed on 17.02.2021 and applicant was held entitled to disability element of disability pension and arrears was restricted to three years from the date of filing of Original Application, i.e. 15.11.2019. A sum of Rs. 1 lakh was also awarded to the applicant as compensation towards the arrears of the disability pension between 08.04.1994 to 07.04.1999 with further directions to the respondents to hold RSMB of the applicant to re-assess applicant's further disability, if any. In compliance of the same, RSMB of the applicant is held on 01.10.2021 wherein applicant's disability has been assessed @ 30% for 5 years.</p> <p>Learned counsel submits that in view of the said RSMB, the PPO has been issued by the respondents wherein applicant has been allowed disability element from the date RSMB held, i.e. 25.11.2021 and from three years prior to filing of O.A. Thus, he submits that order has not been correctly implemented. The PPO had to have been issued from three years prior to filing</p>

of O.A. in place of 25.11.2021.

On the other hand, learned counsel for the respondents submits that there is no such direction in the order to grant disability element to the applicant from three years prior to filing of O.A. In para 10 of the judgment, a direction has been issued to hold RSMB only which was held on 25.11.2021 and disability of the applicant being assessed @ 20% for 5 years, the PPO has been issued which is perfectly in terms of the order.

We have perused the judgment and order dated 17.02.2021 passed in O.A. No. 88 of 2020 and we find that in para 9 and 10 of the judgment, it has been clearly stated that *“Applicant cannot claim arrears beyond three years from the date of filing of O.A. Date of filing of the O.A. is 15.11.2019. Thus in totality the applicant is not entitled for claiming the arrears of disability pension between 08.04.1994 to 07.04.1999. Therefore, in the interest of substantive justice, for wrongful reduction of disability percentage from 30% to below 20% by PCDA (Pension), Allahabad, the applicant is entitled only for a compensation from respondents.*

According, the Original Application No, 88 of 2020 is partly allowed. We award compensation of Rs. 1,00,000/- (Rupees one lac) which shall be paid by respondents to applicant for wrongful denial of disability element @ 30% for 5 years w.e.f. 08.04.1994. The same shall be deposited in the Registry by the respondents within three months from today and shall be released to the applicant. The respondents are further directed to refer the applicant’s case for RSMB for re-assessing the medical condition of the applicant for further entitlement of disability pension, if any, within a reasonable period of time preferably within two months.”

From the above, it is clear that applicant’s claim for grant of disability element has been allowed w.e.f. date of RSMB held on 08.04.1994 and the arrears have been restricted for three years prior to filing of O.A. with stipulation that arrears for the period from 08.04.1994 to 07.04.1999 cannot be claimed being time barred and respondents have been directed to pay Rs. 1 lakh as compensation for the same.

Since in the RSMB held on 25.11.2021, applicant’s disability has been assessed @ 20% for 5 years the same is payable from three years prior to the filing of application and not from the date of RSMB. The respondents are therefore, directed to issue Corrigendum PPO entitling the applicant to

disability element from three years prior to filing of O.A. after obtaining Govt. sanction from the competent authority within a period of six weeks from today.

List on **05.04.2023**.

Let copy of the order be provided to learned counsel for the respondents/AFT Legal Cell for compliance.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB/-

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

Ex. A. No. 269 of 2022 Inre : O.A. No. 404 of 2020

Ex. MWO (Hony. Fg. Offr.) Ajay Kumar Sachan
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ashok Kumar, Ld. Counsel for the applicant and Shri D.K. Pandey, 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>It is submitted by learned counsel for the respondents that since in compliance of the order Corrigendum PPO dated 04.02.2022 has been issued and a copy whereof has been filed alongwith affidavit of compliance, the execution application has rendered infructuous and should be dismissed as such.</p> <p>Learned counsel for the applicant submits that payment has not been received in applicant's account as yet.</p> <p>Since the matter pertains to Air Force and applicant has not yet been migrated to SPARSH, Directorate of Air Veterans, New Delhi is directed to initiate claim of the applicant for migration into SPARSH so that payment of disability pension is made/credited in the applicant's account in compliance of the order of this Tribunal dated 30.09.2021.</p> <p>List on 25.01.2023.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: right;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB/-</p>

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

Ex. A. No. 316 of 2022 Inre : O.A. No. 478 of 2021

Ex. MEI Anuj Kumar By Legal Practitioner for the Applicant	Applicant
Versus	
Union of India & Others By Legal Practitioner for Respondents	Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri Arun Kumar Sahu, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">It is submitted by learned counsel for the respondents that in compliance of the order, Govt. sanction has been accorded vide letter dated 27.05.2022, four weeks further time be granted to file affidavit of compliance.</p> <p style="text-align: justify;">Affidavit of compliance may be filed within four weeks failing which officer responsible for implementation of the order shall physically remain in Tribunal on the next date fixed to explain the reason for non compliance.</p> <p style="text-align: center;">List on 27.01.2023.</p> <p style="text-align: justify;">(Vice Admiral Abhay Raghunath Karve) Member (A)</p> <p style="text-align: justify;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>SB/-</p>

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

O.A. No. 419 of 2022

Smt. Rani Devi W/o Late Sep. Ramesh Chandra Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, 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 are present.</p> <p>It is submitted by learned counsel for the applicant that in regard to grievance raised in Original Application, two PPOs have been issued by the respondents. First PPO dated 14.07.2022 which is in respect of life time arrears of service element of the deceased soldier from 04.06.1970 to 26.07.2002 and second PPO dated 21.10.2022 in respect of family pension w.e.f. 27.07.2002 till widowhood.</p> <p>In regard to above, learned counsel for the respondents submits that he has no idea about the above mentioned PPOs.</p> <p>Learned counsel for the respondents to confirm the same by tomorrow.</p> <p>List on 13.12.2022.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

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

O.A. No. 606 of 2022

Ex. JWO Devendra Nath Singh Yadav Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Learned counsel for the respondents submits that counter affidavit could not be filed due to non receipt of parawise comments from the authority concerned.</p> <p>Heard Shri S.N. Singh Gaherwar and Shri Dinesh Kumar Upadhyay, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents.</p> <p>Original Application is allowed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application(s), if any, pending for disposal, shall be treated to have been disposed off.</p> <p style="text-align: center;">(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB</p>

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

O.A. No. 687 of 2022

Ex. Sigmn. Brahm Prakash Pandey
By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Rajesh Shukla, Ld. Counsel for the respondents are present.</p> <p>As prayed by learned counsel for the applicant, list on 15.12.2022.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>

Form No. 4

{See rule 11(1)}

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

E-Court (Suppl. Sl. No. 1)

MA No. 1258 of 2022 Inre M.A. No. 464 of 2020 Inre O.A. No. 106 of 2013

Mahabir Singh

By Legal Practitioner for the Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.12.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri K.K.Singh Bisht, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>This application has been filed to fix an early date for hearing O.A. No. 106 of 2013. The Original Application is already listed for physical hearing on 02.01.2023.</p> <p>In view of above, we do not find any reason to fix an early date.</p> <p>Accordingly, early hearing application is rejected.</p> <p>List on the date already fixed, i.e. 02.01.2023.</p> <p>(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava) Member (A) Member (J)</p> <p>SB/-</p>