

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1747 of 2016 With M.A. No. 2258 of 2016
(Inre: O.A. No. Nil of 2016)

Bishwanath Mishra Applicant
By Legal Practitioner for Applicant

Versus

Ministry of Defence Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Vinay Pandey, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Vinay Pandey, learned counsel for the applicant appears and states that he wants to file reply to objection to the delay condonation application. He prays for and is granted one week's time for the same.</p> <p>List this case for orders on 17.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 24 of 2012

Smt Diropa Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Dr Shailendra Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Sri R. Chandra, learned counsel for the applicant submitted that no doubt this Court has passed an order on 25.7.2016 directing the applicant's counsel to take steps for getting service of notice effected upon respondent no.6 through newspapers to be published in one Hindi and one English having wide circulation in Western U.P., but his client is not in a position to meet out the expenses what to say deposition of amount for publication. As such, in the interest of justice, we feel that if notices are directed to be served through the Chief Judicial Magistrate, Mainpuri at the address of the respondent no.6, Smt. Poonam Devi, wife of Late L/NK Duvesh Kumar, C/o Shri Vikram Singh Shakya, Shakya Mechanic Workshop, GT Road, Kurawali, District Mainpuri, it will suffice the service.</p> <p>Therefore, we direct the Chief Judicial Magistrate, Mainpuri to get effected service upon Smt. Poonam Devi directing her that his case is listed on 18th of January 2017. If she is interested in pursuing the matter, she shall appear personally or through counsel on the next date fixed.</p> <p>Learned counsel for the applicant is directed to take steps for getting the service effected upon respondent no.6 within a week.</p> <p>List this case for orders on 18.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PKG/</p>

O.A. No. 236 of 2013 With M.A. No. 1593 of 2016

Bashisth Singh Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri SK Mishra, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Arun Kumar Sahu, learned Standing counsel prays for and is granted one week's further and no more time to file objection to the amendment application filed by the applicant.</p> <p>As prayed for, list this case for orders on 15.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PKG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 304 of 2015 With M.A. No. 1869 & 2281 of 2016

Rajendra Pratap Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>14.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri MK Sharma, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><u>M.A. No. 1869 & 2281 of 2016</u></p> <p>These are two applications for taking counter and rejoinder affidavits on record, which are taken on record.</p> <p>The applicants stand disposed of.</p> <p>The case has already been admitted.</p> <p>Since the matter pertains to grant of pension and hearing is required to be necessary, we direct that this case may be listed for hearing on 13.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PKG/</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.**EX.A. No. 90 of 2016**
(Inre: T.A. No. 08 of 2015)**Janki Prasad**

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant and Shri Siddarth Dhaon, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri R Chandra, learned counsel for the applicant submits that he has received a copy of P.P.O. dated 26.09.2016 in pursuance of the Judgment and Order dated 23.12.2016 passed by this Court in T.A. No. 08 of 2015, as such, this Execution Application No. 90 of 2016 is rendered infructuous and be dismissed.</p> <p>Accordingly, Execution Application No. 90 of 2016 is dismissed being infructuous.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>rpm/-</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

M.A. No. 1884 of 2014

Smt. Mithilesh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri S.S.L. Srivastava, learned counsel for the applicant and Ms. Deepti Prasad Bajpai, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri S.S.L. Srivastava, learned counsel for the applicant submits that the amendment application is ready and will be filing in Registry during course of the day after serving a copy on learned counsel for the respondents. Learned standing counsel prays for and is granted four weeks' time to file objection to the amendment application.</p> <p>List this case for orders on 12.01.2017 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 213 of 2011

Pratap Singh Chauhan

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant and Dr. Shailendra Sharm Atal, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>Heard learned counsel for the parties.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

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[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 524 of 2012 alongwith O.A. No. 168 of 2012(Decided)

With M.A. No. 2280 of 2016

Km Basanti

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri V.K. Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri V.K. Pandey, learned counsel for the applicant submits that he has not received the affidavit filed by the Branch Manager, State Bank of India, Pithoragarh, Distt-Pithoragarh (Uttarakhand). We, therefore, direct him to inspect and go through the aforesaid affidavit and apprise the Court about the outcome of the same on next date.</p> <p>List this case for hearing on 10.01.2017 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 227 of 2014

Bhagwati Prasad

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri D.C. Lohumi, learned counsel for the applicant and Lt. Priya Prasad, Departmental Representative.</p> <p>List this case for hearing before appropriate Court on 09.01.2017 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 250 of 2015

Shiv Bahadur Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Namit Sharma, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, no one appears for the applicant rather Shri Ashok Kumar, Advocate, appears and submits that Shri O.P. Kushwaha, learned counsel for the applicant has not come to the Court and prays that the matter be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for hearing on 10.01.2017 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

T.A. No. 1094 of 2010

Ashok Kumar Paswan

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>As prayed by Shri P.N. Chaturvedi, learned counsel for the applicant, list this case for hearing on 11.01.2017 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

T.A. No. 25 of 2014

Sashi Kumar Mishra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri D.K. Pandey, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, no one appears for the applicant rather Shri Shailendra Kumar Singh, Advocate, appears and submits that Shri Rohit Kumar, learned counsel for the applicant has not come to the Court and prays that the matter be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for hearing on 12.01.2017 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1113 of 2016

Smt Soni Sharma
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal

13.10.2016

Hon'ble Mr. Justice Abdul Mateen, Member (J)

Hon'ble Lt Gen Gyan Bhushan, Member (A)

Present: Shri VP Pandey, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.

Dr Shailendra Sharma Atal, learned Standing Counsel prays for and is granted a week's time to file objection on the delay condonation application.

List this case for orders on **21.10.2016** before the appropriate Court having jurisdiction as per roster of that date.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

PKG/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1220 of 2016 with M.A. No. 1972 of 2016
(Inre: O.A. No. Nil of 2016)

Jitendra Singh Pal Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Virendra Kumar Gupta, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><u>M.A. No. 1972 of 2016</u></p> <p>Shri Virendra Kumar Gupta, learned counsel for the applicant states that he will be filing replication to the objection during the course of the day. Copy of this application has been served upon the learned counsel for the respondents in the Court today itself.</p> <p>Put up this case for orders on 21.10.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PKG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1806 of 2016 with M.A. No. 2295 of 2016
(Inre: O.A. No. Nil of 2016)

Sushanta Kumar Bal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Pankaj Kumar Shukla, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents alongwith Wg Cdr Sardul Singh, Departmental representative.</p> <p><u>M.A. No. 1806 of 2016</u></p> <p>Heard Sri Pankaj Kumar Shukla, learned counsel for the applicant on the application.</p> <p>This is an application for condonation of delay in filing the O.A, which relates to set aside/quash the rejection of rounding off disability pension order dated 12.07.2016 and rounding off the disability pension of the applicant @20% to 50% alongwith 9% interest of the arrear from the date of discharge i.e. 31.3.2012.</p> <p>The reason given in the affidavit filed in support of the application seems to be genuine.</p> <p>Accordingly, the application is allowed and the delay in filing the O.A. is hereby condoned. The objection raised by the respondents vide Application No.2295/2016 .is hereby rejected.</p> <p>Let the O.A. be registered and be listed for admission on 16.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PKG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 198 of 2015

SN Pandey
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Abhishak Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative and Col Amit Nautiyal, Director, M.P.-6.</p> <p>In pursuance of the order of this Court dated 22nd of August 2016. Col Amit Nautiyal, Director, M.P.-6 is present alongwith the record.</p> <p>While going through the record, we find that there are certain discrepancies in the counter affidavit which does not tally with the record, to which learned Standing Counsel prays for and is granted three weeks' time to file a better affidavit in reply to the O.A. filed by the respondent by annexing photocopies of the record available with him. He is further directed to produce the record available with him on the next date.</p> <p>Let Col Amit Nautiyal, who is present in the Court, need not appear on the next date fixed.</p> <p>List this case for orders on 09.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1**O.A. No. 302 of 2015 with M.A. No. 1919 & 2170 of 2016****Ravindra Nath**

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Parijaat Belaura, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Departmental representative.</p> <p>Heard Shri Parijaat Belaura, learned counsel for the applicant as well as Shri Amit Jaiswal, learned Standing Counsel and Sri Pramod Kumar Rana, Chief Manager, Bank of India, Kanpur Main Branch.</p> <p>It comes out from the record and as pleaded by the parties, the applicant, who was in service, was discharged from the service on 07th of October 1994 without completing 15 years of service, as such he was not eligible for the pension. The applicant preferred a mercy petition before the Officer Incharge, Air Force Record Office on 04th August 2011 to enable him for grant of service pension, which was allowed by the competent authority and it was ordered that for the purpose of calculating pension, the applicant shall be eligible for pension after six months' period had been condoned for the purpose of calculating pension.</p> <p>Now the applicant has approached this Court claiming therein that he should be granted pension for full 15 years of service thereby asking for the remaining period of six months, for which he had not rendered service. Learned counsel for the applicant submitted that though the applicant has served only 14 ½ years, but 6 months of service has been condoned in mercy petition and now he is entitled to pension and since pension is entitled after 15 years of service, he should get pension of 15 years of service.</p> <p>Learned counsel for the respondents on the contrary submitted that since he has already completed 14 ½ of service, as such he is entitled to pension for that duration only. He stated that in Annexure 8 of M.A.No.1919/2016, it is mentioned that ".....it is therefore advised to revised the service pension of above CPL considering the group IV and qualifying service of 14.5 years plus applicable weightage which works out as under"</p>

Even in Annexure CA 4 of M.A.no.1919/2016, it is mentioned that “...the pension is required to be calculated on actual qualifying service rendered with admissible weightage.” Respondents have also submitted that the applicant is only entitled for the service pension for the services rendered by him in the Air Force i.e. 14 ½ years.

Thus, emphasis has been laid by Sri Amit Jaiswal, learned counsel for the respondents to the effect that for the purpose of making the applicant applicable and bringing him within the parameter of pensionable service, his mercy petition was allowed making up the shortfall of six months of service to make him eligible for the grant of pension purpose only and the applicant cannot claim pension for the period he has not served, which has been clarified in Annexures CA-4 and CA-8 of M.A. 1919 of 2016. Thus, it is well settled that the applicant is only entitled for the pension for the period of 14 ½ years of service, which he had already been granted.

It is well settled law that a person cannot claim salary in respect to the period he has not worked i.e. ‘no work no pay’ what to say, the pension when the applicant has not worked for more than 14 ½ years. As such he is not entitled for pension for remaining six months and he has rightly been granted pension for 14 ½ years. He is not entitled to additional six months of pension to which he is claiming.

Thus, the prayer made in O.A. cannot be granted and is misconceived and the same is hereby dismissed.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

PKG/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 95 of 2016 With M.A. No. 1863 of 2016

Anil Kumar

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Col Rakesh Johri (Retd), learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><u>M.A. No. 1863 of 2016</u> This is application for taking the counter affidavit on record, which is taken on record and the application stands disposed of.</p> <p style="text-align: center;">Shri Rakesh Johri, learned counsel for the applicant states that he has received a copy of the counter affidavit filed by the respondents. He prays for and is granted three weeks' time to file rejoinder affidavit.</p> <p style="text-align: center;">List this case for orders on 12.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>PKG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 163 of 2016

Laxman Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Dr. Sailendra Sharma Atal, learned Standing Counsel prays for and is granted four weeks' and no more time to file counter affidavit.</p> <p>List this case for orders on 13.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PKG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 87 of 2013 With M.A. No. 2224 of 2016

Mahindra Singh Bisht
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>13.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Alam Singh, learned counsel for the applicant, and Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><u>M.A.No.2224/16</u></p> <p>This is an application for correction in the prayer clause of T.A.No.87/2013.</p> <p>As prayed, the application is allowed.</p> <p>Let necessary correction be made in the prayer clause of T.A. within two weeks.</p> <p>List this case for orders on 11.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>PKG/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2273 of 2016
(Inre: O.A. No. Nil of 2016)

Smt Asha Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Arun Kumar Sahu, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p><u>M.A. No. 2273 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A, which as per office report is delayed by 23 years, 10 months and 15 days. Copy of this application has been served upon learned Counsel for the respondents on 03.10.2016. Learned Counsel for the respondents prays for and is granted six weeks' time to file objection on application for condonation of delay, if any.</p> <p>List this case for orders on 10.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 2274 of 2016
(Inre: O.A. No. Nil of 2016)

Bhanu Pratap Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Mohd Zafar Khan, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri Anil Kumar Mishra, learned counsel for the applicant and Mohd Zafar Khan, learned counsel for the respondents.</p> <p><u>M.A. No. 2274 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A, which as per office report is delayed by 01 months and 20 days. Copy of this application has been served upon learned Counsel for the respondents in the Court today itself. Learned Counsel for the respondents prays for and is granted three weeks' time to file objection, if any.</p> <p>List this case for orders on 21.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2275 of 2016
(Inre: O.A. No. Nil of 2016)

Gaya Ram
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 2275 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A, which as per office report is delayed by 09 years, 03 months and 03 days. Copy of this application has been served upon the learned Counsel for the respondents on 03.10.2016. Learned Counsel for the respondents prays for and is granted three weeks' time to file objection, if any.</p> <p>List this case for orders on 15.12.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

**EX-A. No. 202 of 2016 Inre: O.A. No. 290 of 2013
leading connected O.A. No 167 of 2013)**

Munna Lal & Others Applicants
By Legal Practitioner for Applicants

Versus

PCDA (P) Allahabad & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Ashok Kumar, learned counsel for the applicants and Lt Priya Prasad, Departmental representative for the respondents.</p> <p style="text-align: center;">Heard learned counsel for the applicant on this execution application which has been filed by the applicant with the grievance that judgment and order dated 18.11.2015 passed in O.A. No 167 of 2013 has not been complied with. It has been argued by learned counsel for the applicant that same judgment for other incumbents has been complied with, while respondents are differentiating for grant of relief for certain persons of their own choice. If it is so, there seems to be a serious lapse on part of the respondents.</p> <p style="text-align: center;">Departmental Representative for the respondents is directed to show cause as to why aforesaid judgment has not yet been complied with.</p> <p style="text-align: center;">Let specific reply be filed with four weeks.</p> <p style="text-align: center;">List this case for orders on 10.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2298 of 2016 with M.A. No 2299 of 2016
Inre: O.A. No. 160 of 2013)

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Bachchu Lal Singh Yadav
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Rajiv Pandey, learned counsel for the applicants alongwith Lt Priya Prasad, Departmental Representative for the respondents.</p> <p><u>M.A. No. 2298 of 2016</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 15.12.2015, passed by this Court in O.A. No. 160 of 2013.</p> <p>As per stamp reporter's report, there is delay of 07 months and 18 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application for condonation of delay. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p>

The Hon'ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 2299 of 2016

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also rejected.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

ukt/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 41 of 2013 With M.A. No. 1189 of 2016
(Inre: O.A. No. 328 of 2012)

Kanhai Singh Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Bachchan Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard learned counsel for the parties on the issue which emerges out in the shape of present execution application regarding non compliance of judgment and order dated 17.10.2012 passed in O.A. No 328 of 2012. Although it comes out that in execution of the judgment, necessary PPO has been issued but respondents have not paid 8% interest with arrears of revised pension from 01.01.2006.</p> <p>Learned counsel for the respondents received instructions from Army Medical corps Record Office dated 07.10.2016 that Hon'ble The Apex Court in its order dated 20.05.2015 in Civil Appeal No 4677/2014 UOI vs Subhash Chander Soni, has ordered that 'No interest shall be payable'. Therefore, learned counsel for the respondents has argued that interest cannot be paid to the applicant.</p> <p>Leaving apart 8% interest, since Hon'ble The Supreme Court ordered that no interest shall be paid, the fact remains with arrears of revised pension with effect from 01.01.2006 have also not been paid to the applicant.</p> <p>Learned counsel for the respondents shall file an affidavit clarifying the entire position as submitted by him within three weeks'.</p> <p>List this case for orders on 11.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Ex-A. No. 30 of 2016
(Inre: O.A. No. 02 of 2015)

Shyamu Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Rohit Kumar, learned counsel for the applicant and Shri Mohd Zafar Khan, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p style="text-align: center;">Heard learned counsel for the parties .</p> <p>This execution application has been preferred by the applicant with the prayer therein that order passed in O.A. No 02 of 2015 as far back as on dated 27.08.2015, directing the respondents to decide the statutory appeal preferred by the applicant on 10.03.2014 within three months which has not been decided, as such this execution application has been filed.</p> <p>This Court also directed the respondents to inform the Court about the outcome of statutory appeal but the respondents failed to place result of the outcome of the statutory appeal, rather it is stated that statutory appeal filed by the applicant is not traceable as such no decision could be taken.</p> <p>Learned counsel for the applicant was directed to provide fresh copy of the statutory appeal to Col Kamal Singh, Departmental Representative for the respondents and direction was issued that said statutory appeal be decided within three months. Learned counsel for the applicant submits that inspite of serving of fresh copy of statutory appeal on 23.05.2016, the same has not yet been decided by the respondents.</p>

Let notice be issued to authority concerned naming therein Director AGPS4, Army Headquarters, New Delhi to show cause as to why inspite of directions issued by this Court, statutory appeal preferred by the applicant has not been decided and why heavy cost be not imposed and contempt proceedings be not drawn against him for non compliance of aforesaid order. Also he should appear before this Court on 23.11.2016 to reply the above.

It is clarified that if the statutory appeal is decided by the next date, he need not appear on the next date.

List this case for orders on **23.11.2016** before the appropriate Court having jurisdiction as per roster of that date.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

ukt/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 69 of 2016
(Inre: O.A. No. 337 of 2013)

Ram Asis
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental Representative.</p> <p>On call of the case, learned counsel for the applicant very fairly and out rightly states that in compliance of judgment and order dated 18.11.2015 passed in O.A. No 337 of 2013, necessary PPO has been issued to the applicant in time. We have also been informed by Lt Priya Prasad, Departmental Representative that in pursuance to directions of this Court dated 21.09.2016 PCDA, Allahabad has issued proper guidelines for issuance of PPO to the pensioners just to say that payment of pension are streamlines.</p> <p>Since, in the case in hand, PPO has been issued and judgment has been complied with, this execution application has been become infructuous and is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 119 of 2016 With M.A. No. 2163 of 2016 and M.A. No 2101 of 2016
Inre: O.A. (A) No. 269 of 2014

Manoj Kumar Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Yogesh Kesarwani, learned counsel for the respondents alongwith Major Soma John, Departmental representative.</p> <p><u>M.A. No. 2163 of 2016</u></p> <p>This supplementary affidavit has been filed by learned counsel for the respondents for correction in the date in judgment and order dated 01.03.2016 passed in O.A. No 269 of 2014. It has been prayed that instead of date of dismissal as 15.11.2008, it should have been 13.09.2008. Copy of this affidavit has been served upon learned counsel for the applicant on 22.09.2016 who prays for and granted two weeks' time to file replication for the same.</p> <p>List this case for orders on 03.11.2016 before the appropriate Court having jurisdiction as per roster of that date showing name of Shri Yogesh Kesarwani as learned counsel for the respondents.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-.A. No. 123 of 2016
Inre: T.A. No. 63 of 2013

Girish Chandra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: None for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Case called out. None is present on behalf of applicant.</p> <p>Learned counsel for the respondents states that matter is pending with the Min of Def and some outcome is expected within six weeks'. He prays for and is granted six weeks' time to file compliance report.</p> <p>List this case for orders on 18.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 884 of 2016 With M.A. No. 2285 of 2016
Inre: M.A. No. 1794 of 2016

RS Gahlot
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Anand Saran, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 884 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application wherein prayer has been made for grant of disability pension and benefits of rounding off of disability pension to the applicant from 20% to 50% with effect from 01.07.2006 in view of the judgment of Hon'ble The Supreme Court which was rendered in the month of December 2014. The applicant submits that he was superannuated on 30.06.2006 after 34 years and 3 months service but in view of the judgment having been rendered by Hon'ble The Supreme Court in the month of December 2014, with respect to grant of rounding off of disability pension for which he is now claiming his entitlement as such he has preferred this Original Application in the month of Apr 2016.</p> <p>The reasons given in application for condonation of delay supported by affidavit, seem to be genuine.</p> <p>Accordingly, application is allowed and delay in filing Original Application is condoned. Objection raised by learned counsel for the respondents vide M.A. No 1794 of 2016 is hereby rejected.</p> <p>Let O.A. be registered.</p> <p>List this case for admission on 22.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No 72 of 2013

Smt Suman Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Col Sarvesh Srivastava, Medical Officer, Command Hospital, Lucknow.</p> <p>Heard learned counsel for the parties and Lt Col Sarvesh Srivastava, Medical Officer, Command Hospital with respect to know details on medical opinion of late Suresh Kumar Yadav. Since it comes out that the disease of which husband of the applicant was suffering with 'HIV with Disseminated Tuberculosis'. There was a need to know the details and cause of the disease as such a doctor from Command Hospital, Lucknow was directed to be present in the Court to explain.</p> <p>Lt Col Sarvesh Srivastava from Command Hospital, Lucknow, on the basis of the documents apprises that the disease 'HIV with Disseminated Tuberculosis' by which the husband of the applicant was suffering was due to CSWS but in the opinion column of the medical documents no details are given. Learned counsel for the applicant submits that there is nothing mentioned in the documents as to how the appellate authorities came to know that cause of applicant's husband disease was CSWS. As such it requires further clarification from other medical documents of the applicant.</p> <p>Learned counsel for the respondents is directed to place on record specific opinion by which appellate committee has come to the aforesaid conclusion by the date fixed.</p> <p>List this case for orders on 29.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

M.A. No. 944 of 2013 with M.A. No. 698 of 2016

Mohd Akhtar

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri V.P. Pandey, learned counsel for the applicant prays for and is granted 10 days further time to file replication to the objection filed by the respondents.</p> <p>List this case for orders on 16.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

M.A. No. 1833 of 2015 with M.A. No. 1239 of 2016

Ram Naresh Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>As prayed by Shri A.K. Sahu, learned counsel for the respondents, list this case for orders on 14.10.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

M.A. No. 2204 of 2015
(Inre: M.A. No. 1935 of 2015)

Durga Prasad Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri Ashok Kumar, learned counsel for the applicant submits that he is not aware that the cost of Rs 500/- which was imposed by this Court on 28.03.2016 has been deposited or not. We further direct him to deposit the cost of Rs 500/- within a week if the same is not yet deposited.</p> <p>List this case for orders on 10.11.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

M.A. No. 1432 of 2016 with M.A. No. 1931 of 2016

(Inre: O.A. No. Nil of 2016)

Tejbir Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R. Chandra, learned counsel for the applicant and Shri Md Zafar Khan, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri R. Chandra, learned counsel for the applicant prays for and is granted 10 days time to file replication to the objection filed by respondents against condonation of delay application.</p> <p>List this case for orders on 17.11.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>rpm/-</p>

Il.Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 70 of 2015

Maj Sree Kumar KS

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>After hearing the arguments made by Shri P.N. Chaturvedi, at some length, Shri Chaturvedi prays that this Original Application be dismissed as withdrawn and he be granted liberty to file a fresh.</p> <p>Accordingly, this Original Application No. 70 of 2015 is dismissed as withdrawn with liberty to file a fresh , if so advised.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.**O.A. No. 176 of 2015 with M.A. No. 740 of 2016
& M.A. No. 1618 of 2016****Ganesh Prasad Kushwaha**
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p><u>M.A. No. 740 of 2016.</u></p> <p>This is an application for amendment filed by the applicant for amending the prayer clause as well as ground in the original application. Respondents have also filed objection to the amendment application vide M.A. No. 1618 of 2016.</p> <p>While going through aforesaid two applications, we find since the said amendment in prayer clause as well as in the ground will not change the nature of the original application, we allow the aforesaid amendment application. Let the necessary amendment be incorporated within three weeks. Objection raised by respondents is hereby rejected.</p> <p>List this case for orders on 09.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.**O.A. No. 190 of 2015 with M.A. No. 1859 of 2016****Sazid Ali**

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri V.K. Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri V.K. Pandey, learned counsel for the applicant prays for and is granted three weeks' time to file Rejoinder Affidavit.</p> <p>List this case for orders on 08.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 352 of 2015 with M.A. No. 2046 of 2016

Dinesh Kumar Dubey

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>Matter pertains to disability pension and delay has been condoned on 11.12.2015. This application has also been admitted on 23.12.2015. Since the Counter and Rejoinder Affidavits have been exchanged, list this case for hearing on 22.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.**O.A. No. 138 of 2016****VK Prajapati & Others**

By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Dr. Shailendra Sharma Atal, learned counsel for the respondents along with Wg. Cdr. Sardul Singh, Departmental Representative.</p> <p>On call of the case, no one appears for the applicant rather Shri P.N. Chaturvedi, Advocate, appears and states that Shri Rajeev Srivastava, learned counsel for the applicant has not come to the Court and prays that the matter be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>We also direct the respondents to file the Counter Affidavit by the next date.</p> <p>List this case for orders on 03.12.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

O.A. No. 141 of 2016

Dharam Deo Singh

By Legal Practitioner for Applicants

Applicants

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Ms. Anju Singh, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>As prayed by Ms. Anju Singh, learned counsel for the respondents, list this case for orders on 14.10.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.**O.A. No. 222 of 2016****Santosh Kumar**

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri Namit Sharma, learned counsel for the respondents prays for and is granted two weeks' further time to file objection to the original application.</p> <p>List this case for orders on 18.11.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.

T.A. No. 619 of 2010

Ram Yash Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri P.N. Chaturvedi, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>On call of the case, Shri Amit Jaiswal, learned counsel for the respondents prays for and is granted 10 days further time to file objection to the amendment application filed by the applicant.</p> <p>List this case for orders on 09.11.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1.**O.A. No. 225 of 2011 with M.A. No. 2080 of 2016****Shankar Datt Upadhyay**

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Abhinav Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents along with Lt. Priya Prasad, Departmental Representative.</p> <p>While going through the file, we find that the page No. 16 of the Counter Affidavit, filed by the respondents, is not legible. Hence, we direct respondents to file clear and legible copy of page 16 of the Counter Affidavit by the next date.</p> <p>List this case for orders on 24.11.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) rpm/-</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2273 of 2016
(Inre: O.A. No. Nil of 2016)

Smt Asha Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Arun Kumar Sahu, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p><u>M.A. No. 2273 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A, which as per office report is delayed by 23 years, 10 months and 15 days. Copy of this application has been served upon learned Counsel for the respondents on 03.10.2016. Learned Counsel for the respondents prays for and is granted six weeks' time to file objection on application for condonation of delay, if any.</p> <p>List this case for orders on 10.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 2274 of 2016
(Inre: O.A. No. Nil of 2016)

Bhanu Pratap Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Mohd Zafar Khan, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri Anil Kumar Mishra, learned counsel for the applicant and Mohd Zafar Khan, learned counsel for the respondents.</p> <p><u>M.A. No. 2274 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A, which as per office report is delayed by 01 months and 20 days. Copy of this application has been served upon learned Counsel for the respondents in the Court today itself. Learned Counsel for the respondents prays for and is granted three weeks' time to file objection, if any.</p> <p>List this case for orders on 21.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/-</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2275 of 2016
(Inre: O.A. No. Nil of 2016)

Gaya Ram
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr Shailendra Sharma Atal, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 2275 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A, which as per office report is delayed by 09 years, 03 months and 03 days. Copy of this application has been served upon the learned Counsel for the respondents on 03.10.2016. Learned Counsel for the respondents prays for and is granted three weeks' time to file objection, if any.</p> <p>List this case for orders on 15.12.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

**EX-A. No. 202 of 2016 Inre: O.A. No. 290 of 2013
leading connected O.A. No 167 of 2013)**

Munna Lal & Others Applicants
By Legal Practitioner for Applicants

Versus

PCDA (P) Allahabad & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicants and Lt Priya Prasad, Departmental representative for the respondents.</p> <p>Heard learned counsel for the applicant on this execution application which has been filed by the applicant with the grievance that judgment and order dated 18.11.2015 passed in O.A. No 167 of 2013 has not been complied with. It has been argued by learned counsel for the applicant that same judgment for other incumbents has been complied with, while respondents are differentiating for grant of relief for certain persons of their own choice. If it is so, there seems to be a serious lapse on part of the respondents.</p> <p>Departmental Representative for the respondents is directed to show cause as to why aforesaid judgment has not yet been complied with.</p> <p>Let specific reply be filed with four weeks.</p> <p>List this case for orders on 10.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2298 of 2016 with M.A. No 2299 of 2016
Inre: O.A. No. 160 of 2013)

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Bachchu Lal Singh Yadav
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Rajiv Pandey, learned counsel for the applicants alongwith Lt Priya Prasad, Departmental Representative for the respondents.</p> <p><u>M.A. No. 2298 of 2016</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 15.12.2015, passed by this Court in O.A. No. 160 of 2013.</p> <p>As per stamp reporter's report, there is delay of 07 months and 18 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application for condonation of delay. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p>

The Hon'ble Supreme Court further observed as under :

“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.

In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 2299 of 2016

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also rejected.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

ukt/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Ex-A. No. 30 of 2016
(Inre: O.A. No. 02 of 2015)

Shyamu Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri Mohd Zafar Khan, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard learned counsel for the parties .</p> <p>This execution application has been preferred by the applicant with the prayer therein that order passed in O.A. No 02 of 2015 as far back as on dated 27.08.2015, directing the respondents to decide the statutory appeal preferred by the applicant on 10.03.2014 within three months which has not been decided, as such this execution application has been filed.</p> <p>This Court also directed the respondents to inform the Court about the outcome of statutory appeal but the respondents failed to place result of the outcome of the statutory appeal, rather it is stated that statutory appeal filed by the applicant is not traceable as such no decision could be taken.</p> <p>Learned counsel for the applicant was directed to provide fresh copy of the statutory appeal to Col Kamal Singh, Departmental Representative for the respondents and direction was issued that said statutory appeal be decided within three months. Learned counsel for the applicant submits that inspite of serving of fresh copy of statutory appeal on 23.05.2016, the same has not yet been decided by the respondents.</p>

Let notice be issued to authority concerned naming therein Director AGPS4, Army Headquarters, New Delhi to show cause as to why inspite of directions issued by this Court, statutory appeal preferred by the applicant has not been decided and why heavy cost be not imposed and contempt proceedings be not drawn against him for non compliance of aforesaid order. Also he should appear before this Court on 23.11.2016 to reply the above.

It is clarified that if the statutory appeal is decided by the next date, he need not appear on the next date.

List this case for orders on **23.11.2016** before the appropriate Court having jurisdiction as per roster of that date.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

ukt/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 69 of 2016
(Inre: O.A. No. 337 of 2013)

Ram Asis
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri R Chandra, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental Representative.</p> <p style="text-align: center;">On call of the case, learned counsel for the applicant very fairly and out rightly states that in compliance of judgment and order dated 18.11.2015 passed in O.A. No 337 of 2013, necessary PPO has been issued to the applicant in time. We have also been informed by Lt Priya Prasad, Departmental Representative that in pursuance to directions of this Court dated 21.09.2016 PCDA, Allahabad has issued proper guidelines for issuance of PPO to the pensioners just to say that payment of pension are streamlines.</p> <p style="text-align: center;">Since, in the case in hand, PPO has been issued and judgment has been complied with, this execution application has been become infructuous and is hereby dismissed.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 119 of 2016 With M.A. No. 2163 of 2016 and M.A. No 2101 of 2016
Inre: O.A. (A) No. 269 of 2014

Manoj Kumar Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Yogesh Kesarwani, learned counsel for the respondents alongwith Major Soma John, Departmental representative.</p> <p><u>M.A. No. 2163 of 2016</u></p> <p>This supplementary affidavit has been filed by learned counsel for the respondents for correction in the date in judgment and order dated 01.03.2016 passed in O.A. No 269 of 2014. It has been prayed that instead of date of dismissal as 15.11.2008, it should have been 13.09.2008. Copy of this affidavit has been served upon learned counsel for the applicant on 22.09.2016 who prays for and granted two weeks' time to file replication for the same.</p> <p>List this case for orders on 03.11.2016 before the appropriate Court having jurisdiction as per roster of that date showing name of Shri Yogesh Kesarwani as learned counsel for the respondents.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-.A. No. 123 of 2016
Inre: T.A. No. 63 of 2013

Girish Chandra
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: None for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Case called out. None is present on behalf of applicant.</p> <p>Learned counsel for the respondents states that matter is pending with the Min of Def and some outcome is expected within six weeks'. He prays for and is granted six weeks' time to file compliance report.</p> <p>List this case for orders on 18.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 884 of 2016 With M.A. No. 2285 of 2016
Inre: M.A. No. 1794 of 2016

RS Gahlot
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Anand Saran, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 884 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application wherein prayer has been made for grant of disability pension and benefits of rounding off of disability pension to the applicant from 20% to 50% with effect from 01.07.2006 in view of the judgment of Hon'ble The Supreme Court which was rendered in the month of December 2014. The applicant submits that he was superannuated on 30.06.2006 after 34 years and 3 months service but in view of the judgment having been rendered by Hon'ble The Supreme Court in the month of December 2014, with respect to grant of rounding off of disability pension for which he is now claiming his entitlement as such he has preferred this Original Application in the month of Apr 2016.</p> <p>The reasons given in application for condonation of delay supported by affidavit, seem to be genuine.</p> <p>Accordingly, application is allowed and delay in filing Original Application is condoned. Objection raised by learned counsel for the respondents vide M.A. No 1794 of 2016 is hereby rejected.</p> <p>Let O.A. be registered.</p> <p>List this case for admission on 22.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No 72 of 2013

Smt Suman Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri P.K. Shukla, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Col Sarvesh Srivastava, Medical Officer, Command Hospital, Lucknow.</p> <p>Heard learned counsel for the parties and Lt Col Sarvesh Srivastava, Medical Officer, Command Hospital with respect to know details on medical opinion of late Suresh Kumar Yadav. Since it comes out that the disease of which husband of the applicant was suffering with 'HIV with Disseminated Tuberculosis'. There was a need to know the details and cause of the disease as such a doctor from Command Hospital, Lucknow was directed to be present in the Court to explain.</p> <p>Lt Col Sarvesh Srivastava from Command Hospital, Lucknow, on the basis of the documents apprises that the disease 'HIV with Disseminated Tuberculosis' by which the husband of the applicant was suffering was due to CSWS but in the opinion column of the medical documents no details are given. Learned counsel for the applicant submits that there is nothing mentioned in the documents as to how the appellate authorities came to know that cause of applicant's husband disease was CSWS. As such it requires further clarification from other medical documents of the applicant.</p> <p>Learned counsel for the respondents is directed to place on record specific opinion by which appellate committee has come to the aforesaid conclusion by the date fixed.</p> <p>List this case for orders on 29.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No 2286 of 2016 Inre O.A. Nil of 2016

K.K. Pandey

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri V.K. Pandey, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No 2286 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which related to grant of pensionary benefits. As per office report there is delay of 07 years 10 months and 20 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 04.10.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on application for condonation of delay, if any.</p> <p>List this case for orders on 03.01.2017 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Ex.A. No 204 of 2016 Inre T.A. No 88 of 2011

Kailash Chandra Applicant
By Legal Practitioner for Applicant

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p><u>Ex. A. No 204 of 2016</u></p> <p>This Execution Application has been filed by the applicant for non compliance of judgment and order dated 18.05.2016 passed by this court in T.A. No 88 of 2011. Copy of this application has been served upon learned counsel for the respondents on 04.10.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instructions from the authority concerned as to why the aforesaid judgment has not been implemented.</p> <p>List this case for orders on 05.01.2017 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No 2289 of 2016 With M.A. No 2290 of 2016 Inre T.A. No 79 of 2016

Suresh Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Yash Pal Singh, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.</p> <p><u>M.A. No 2290 of 2016</u></p> <p>This is an application for condonation of delay in filing application for setting aside abatement filed vide M.A. No 2289 of 2016 whereby it has been prayed that legal heirs be permitted to substitute in pursuance to death of sole applicant Suresh Singh who died on 27.08.2007. The T.A. was ordered to abate in view of the death of sole applicant on 01.09.2016. Copy of this application has been served upon learned counsel for the respondents on 04.10.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on the same.</p> <p>List this case for orders on 06.01.2017 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Ex.A No 49 of 2016 Inre T.A. No 1473 of 2010

Nand Lal Gupta
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Yash Pal Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>On the basis of the instructions, learned counsel for the respondents submits that in pursuance to judgment and order dated 17.11.2015 passed in T.A. No 1473 of 2010, Govt. sanction has been obtained and necessary PPO has been issued on 27.09.2016 and the same has been forwarded to the applicant.</p> <p>Learned counsel for the applicant submits that the applicant has not received copy of the PPO.</p> <p>Accordingly, we direct the matter to be listed for orders on 14.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Ex.A. No 72 of 2016 Inre T.A. No 966 of 2010

Naresh Chandra Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Col (Retd) Rakesh Johri, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p>Learned counsel for the respondents, on the basis of the instructions, submits that in execution of judgment and order dated 07.04.2015 passed in T.A. No 966 of 2010, necessary PPO has been issued on 16.09.2016 and the judgment has been fully complied with.</p> <p>Since the PPO has been issued and judgment has been complied with, this Execution Application has been become infructuous and is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Ex. A. No 103 of 2016 Inre O.A. No 09 of 2015

VM Wadhawan
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Col (Retd) Rakesh Johri, learned counsel for the applicant and Dr Shailenedra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents, on the basis of the instructions, submits that in execution of judgment and order dated 26.11.2015 passed in O.A. No 09 of 2015, necessary PPO has been issued on 12.09.2016 and the judgment has been fully complied with.</p> <p>Since the PPO has been issued and judgment has been complied with, this Execution Application has been become infructuous and is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No 2138 of 2015 With M.A. No 1824 of 2016

Sita Ram Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R Chandra, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant prays for and granted three weeks' time to file replication against objection on application for condonation of delay.</p> <p>List this case for orders on 09.01.2017 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No 306 of 2015

Santokh Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri S.N. Ojha, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>In pursuance to order dated 31.08.2016 of this Court, Chief Judicial Magistrate, Allahabad had issued notice to Amarjeet Singh, son of late Ex Corporal Savinder Singh, resident of Pure Mufti Gurudwara, Village -Pure Mufti, P.O. -Manaaury, District -Allahabad, U.P. to be present in the Court and he is present.</p> <p>As per birth certificate, date of birth of Santosh Singh is 17.07.1990. A query has been made by said Amarjeet Singh about date of birth of Santokh Singh which does not match with the statement of Amarjeet Singh.</p> <p>Since the matter relates to fixing identity of Santokh Singh, as such, Chief Judicial Magistrate, Allahabad, is directed to conduct an inquiry to fix identity of Santokh Singh said to be son of late Savinder Singh, and on completion of inquiry submit a report within four months with the photograph of Santokh Singh. Parties are directed to be present before Chief Judicial Magistrate, Allahabad on 10.11.2016.</p> <p>List this case for orders on 01.03.2017 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No 227 of 2015

Angrej Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R Chandra, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>This Original Application has been filed by the applicant with the prayer to set aside impugned order dated 17.10.2014 and grant disability pension to the applicant.</p> <p>The applicant was enrolled in the army as Sepoy on 05.06.1984. He was discharged from service in low medical category on 31.05.1992 under Rule 13 (3) III (iv) of Army Rules 1954 on his own request on compassionate ground. He has served in the army for 07 years, 11 months and 27 days. At the time of discharge, he refused to undergo Release Medical Board which was required to be conducted under Army Order 3/89 and is compulsory for every person before retirement/discharge from service. The applicant refused to undergo for Release Medical Board and submitted application to proceed on discharge without claiming any service/disability pension.</p> <p>Argument advanced by learned counsel for the applicant is that rejection order of his disability pension by the respondents indicates that applicant is not entitled to disability pension merely on the basis of unwillingness.</p> <p>Learned counsel for the applicant further argued that it is duty of the respondents to conduct Release Medical Board at the time of discharge, but the same has not been conducted.</p> <p>On the contrary, learned counsel for the respondents submitted that incumbent himself denied to undergo Release Medical Board, hence his case was not considered for grant of disability pension.</p> <p>Thus the case remains that incumbent who has been discharged</p>

from service should have been subjected to Release Medical Board and merely by denying to go through Release Medical Board, he cannot be deprived of his consideration for the disability pension. Although it seems somehow harsh for the applicant but it has been argued by learned counsel for the respondents that since he had given in writing that he does not want to undergo Release Medical Board, now any claim of service/disability pension cannot be made by the applicant. To that learned counsel for the applicant submitted that it was ignorance of the applicant and now he is ready to undergo any Medical Board.

In view of the submissions made by respective parties and in the circumstances of the case and also law of equity demands that the respondents be directed to conduct Medical Board of the applicant within a period of three months from today and necessary orders be passed after conducting the fresh Medical Board of the applicant as per law.

In the circumstances aforesaid, the impugned order dated 17.10.2014 rejecting the entitlement of the disability pension of the applicant is hereby set aside. However it is clarified that the applicant will have claim, if any, from the date of Medical Board being conducted now.

Accordingly, O.A. is partly allowed to the above extent.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

ukt/

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 655 of 2016

Raj Kumar Verma
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
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06.10.2016

Hon'ble Mr. Justice Abdul Mateen, Member (J)

Hon'ble Lt Gen Gyan Bhushan, Member (A)

Present: Shri PN Chaturvedi, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.

Shri PN Chaturvedi, learned counsel for the applicant prays for and is granted ten days' time to file replication to the objection filed by the respondents for condonation of delay.

List this case for orders on **02.01.2017** before the appropriate Court having jurisdiction as per roster of that date.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

RS/

05.10.2016

Hon'ble Mr. Justice D.P. Singh, Member (J)

Hon'ble Air Marshal Anil chopra, Member (A)

T.A. No 1320 of 2010, Brahm Deo Mandal vs. Union of India and others is allowed.

For order see our judgment passed on separate sheets.

(Air Marshal Anil Chopra)
Member (A)

ukt

(Justice D.P. Singh)
Member (J)

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No 563 of 2010

Ram Swaroop
By Legal Practitioner for Applicant

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>T.A. No 563 of 2010, Ram Swaroop vs. Union of India and others is dismissed.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2265 of 2016
(Inre: O.A. No. Nil of 2016)

Akhila Nand Pandey
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Shri Amit Jaiswal, on behalf of respondents is taken on record.</p> <p>Present: Mohd. Sharuq Khan holding brief of Shri SG Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 2265 of 2016</u></p> <p>This is an application for condonation of delay moved by the applicant in filing this Original Application. Apart from other prayers, he had prayed to quash the impugned order dated 20.06.2016, whereby First Appeal dated 08.01.2014, filed by the applicant for grant of disability pension was rejected by the respondents. Being aggrieved with the outcome of First Appeal, the applicant preferred Second Appeal dated 04.07.2016. As per office report there is no delay in filing the Original application.</p> <p>Accordingly, application for condonation of delay is misconceived and is hereby rejected.</p> <p>Heard learned counsel for the applicant on this Original Application which has been preferred by him to quash impugned order dated 20.06.2016 by means of which disability pension was rejected. Further prayer has been made that directions be issued to respondents to decide the Second Appeal dated 04.07.2016 preferred by the applicant. Learned counsel for the applicant confines his prayer to the effect that directions be issued to respondents to decide his Second Appeal within the stipulated time.</p> <p>With the consent of learned counsel for the parties, we proceed to decide the Original Application at admission stage itself with the direction to the Respondents to decide the Second Appeal dated 04.07.2016 preferred by the applicant by a reasoned and speaking order expeditiously say within four months from the date of production of certified copy of this order under intimation to the applicant.</p> <p>With the aforesaid directions, this Original Application is disposed of finally.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 198 of 2016
(Inre: O.A. No. 307 of 2013)

Banshu Prasad Verma
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Dr. Shaialendra Sharma Atal, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this Execution Application No 198 of 2016 which has been preferred by the applicant being aggrieved for non compliance of judgment and order dated 16.12.2015 passed in O.A. No 307 of 2013 which relates to grant of disability pension to the applicant. Copy of this application has been served upon learned counsel for the respondents 03.10.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instructions from the authority concerned as to why the aforesaid judgment has not been implemented.</p> <p>List this case for orders on 06.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>UKT/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX-A. No. 201 of 2016
(Inre: O.A. No. 111 of 2012)

Vineeta Kohli
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Abhishek Khare holding brief of Shri Ram Kumar Verma, learned counsel for the applicant and Mrs Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>This Execution Application No 201 of 2016 has been preferred by the applicant being aggrieved for non compliance of judgment and order dated 23.05.2014 passed in O.A. No 111 of 2012. Copy of this application has been served upon learned counsel for the respondents on 03.10.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instructions from the authority concerned as to why the aforesaid judgment has not been implemented.</p> <p>List this case for orders on 09.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>UKT/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 229 of 2016

Darwan Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this Original Application. It has been argued by learned counsel for the applicant that the applicant was granted Hony rank of Nb Sub but he has been deprived the pension of Hony Nb Sub as admissible to him with effect from 01.01.2006. He further submits that persons of the army who retired and have been granted Hony rank of Nb Sub have already been given revised pension of Hony Nb Sub. Argument advanced by learned counsel for the applicant seems to be genuine. It is a fit case for adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder Affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case for orders on 10.01.2017 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>UKT/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

DY-No. 708 of 2016 With M.A. No. 1511 of 2016

IS Mishra

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri K.K. Singh Bisht, holding brief of Shri V.P. Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>On call of the case, Shri K.K. Singh Bisht appears and states that Shri V.P. Pandey has not come to the Court today and prays for adjournment of the case.</p> <p>Accordingly the case is adjourned.</p> <p>List this case for orders on 22.12.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>UKT/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 463 of 2014

Govind Singh Rautela
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri O.P. Kushwaha, holding brief of Shri Ashok Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>On call of the case, Shri O.P. Kushwaha appears and states that Shri Ashok Kumar has not come to the Court today and prays for adjournment of the case.</p> <p>Accordingly the case is adjourned.</p> <p>List this case for orders on 23.12.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p><small>UKT/</small></p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

O.A. No. 259 of 2016

Rana Pratap Singh Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Memo of appearance filed by Shri D.K. Pandey, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present: Shri V.A. Singh, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>Present Original Application has been filed by the applicant for rounding off of disability pension. Arguments advanced by learned counsel for the applicant seem to be genuine.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 28.11.2016 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Air Marshal Anil Chopra) (Justice D.P. Singh) Member (A) Member (J) SB</p>

M.A. No. 2254 of 2016 with M.A. No. 2255 of Inre T.A. No. 1318 of 2010

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Surinder Singh

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon’ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon’ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Mohd Zafar Khan, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 2254 of 2016</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 15.01.2016, passed by this Court in T.A. No. 1318 of 2010.</p> <p>As per stamp reporter’s report, there is delay of 07 months and 13 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon’ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon’ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon’ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p> <p>The Hon’ble Supreme Court further observed as under :</p> <p><i>“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.</i></p> <p>In view of the decision of the Hon’ble Supreme Court in the</p>

aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 2255 of 2016

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicants beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also rejected.

(Air Marshal Anil Chopra)
Member (A)
ukt

(Justice D.P. Singh)
Member (J)

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2
O.A. No. 230 of 2016

Akhilesh Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Present Original Application has been filed by the applicant for grant of disability pension which requires hearing. Arguments advanced by learned counsel for the applicant seem to be genuine.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case on 28.11.2016 for hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Bench.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

M.A. No. 150 of 2016

Chhedi Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.P. Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that further a week's time be granted to him to file replication against objection on application for condonation of delay.</p> <p>Time prayed for is granted.</p> <p>List this case on 14.10.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken up in Court No. 2.

M.A. No. 690 of 2016 with M.A. No. 1768 of 2016 & M.A. No. 2084 of 2016

Amar Pal Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri R.K.S. Chauhan, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the parties, list this case on 13.10.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken up in Court No. 2.

M.A. No. 977 of 2016 with M.A. No. 1548 of 2016

Ram Sudist Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri V.P. Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that further a week's time be granted to him to file replication against objection on application for condonation of delay.</p> <p>Time prayed for is granted.</p> <p>List this case on 13.10.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

M.A. No. 1078 of 2016 Inre O.A. No. Nil of 2016

Dhan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri D.S. Tiwari, learned counsel for the applicant and Ms. Appoli Shrivastava, learned counsel for the respondents.</p> <p><u>M.A. No. 2283 of 2016</u></p> <p>Objection on application for condonation of delay, filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted a week's time to file replication to objection on application for condonation of delay.</p> <p>List this case on 14.10.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2

M.A. No. 1113 of 2016

Smt. Soni Sharma Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri O.P. Kushwaha, holding brief of Shri Ashok Kumar, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Receipt of cost imposed i.e. Rs. 500/-, has been deposited by learned counsel for the applicant and M.A. No. 1113 of 2016 is restored on its original number.</p> <p>Learned counsel for the respondents prays for and is granted a week's time to file objection against the application for condonation of delay.</p> <p>List this case on 13.10.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken up in Court No. 2.

M.A. No. 1409 of 2016 with M.A. No. 2161 of 2016

Brig N.D. Prasad (Retd)

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Col Y.R. Sharma (Retd), learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 2161 of 2016</u></p> <p>Objection on the application for condonation of delay filed by the learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file replication to objection against the application for condonation of delay.</p> <p>List this case on 07.11.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Case of Court No. 1 taken in Court No. 2

M.A. No. 1747 of 2016 with M.A. No. 2258 of 2016 Inre O.A. No. Nil of 2016

Bishwanath Mishra

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri V.A. Singh, holding brief of Shri Vinay Pandey, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>On call of the case, Shri V.A. Singh submits that a weeks' further time be granted to him to file replication to objection against the application for condonation of delay.</p> <p>Time prayed for is granted.</p> <p>List this case on 14.11.2016 for orders.</p> <p>(Air Marshal Anil Chopra) Member (A) ukt</p> <p>(Justice D.P. Singh) Member (J)</p>

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 1 taken in Court No. 2
O.A. No. 213 of 2015

Jagat Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Diwakar Singh, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents.</p> <p>Receipt of cost imposed i.e. Rs. 500/-, has been deposited by learned counsel for the applicant and O.A. No. 213 of 2015 is restored on its original number.</p> <p>We have heard learned counsel for the parties.</p> <p>Learned counsel for the applicant submits that the applicant was retired from service from the rank of Naik in the year 2002 after completion of 17 years and 07 months of service in low medical category and he is in receipt of 30% disability pension.</p> <p>The present Original Application has been filed by the applicant for rounding off of disability pension from 30% to 50%. The applicant has sent several representations to authority concerned for rounding off of disability pension but no action has been taken by the respondents.</p> <p>Learned counsel for the respondents submits that the applicant was discharged from service on his own request during the extended period of 2 years of service, hence he is not authorised for benefit of rounding off of disability pension.</p> <p>On the other hand, learned counsel for the applicant submits that as per Govt of India, Ministry of Defence, New Delhi letter No.1(2)/97/1/D(Pen-C) dated 31.01.2001, the applicant is entitled for rounding off of disability pension but it has not been granted to him. He further submitted that in catena of judgments, various Benches of Armed Forces Tribunals and Hon'ble The Apex Court in the cases of K.J.S. Buttar vs. Union of India & others (supra) and Union of India & others vs. Ram Avtar (supra), the applicant is entitled to the benefit of rounding off of disability pension to 50%.</p> <p>In view of the directions given by Hon'ble The Apex Court, we are of the view that in conformity with rules and regulations laid down,</p>

the applicant is entitled for the benefit of rounding off of disability pension to 50%.

Accordingly, the Original Application is allowed. The applicant is entitled for benefit of rounding off of disability pension by extending the benefit of rounding off @ 50% for life. The enhanced disability pension alongwith arrears is directed to be disbursed to the applicant from due date within four months from the date of receipt of certified copy of this order. In case the respondents fail to pay the amount to the applicant within four months, they will have to pay interest @ 9% from due date till the date of actual payment.

With the aforesaid directions, this Original Application is disposed of finally.

(Air Marshal Anil Chopra)
Member (A)

(Justice D.P. Singh)
Member (J)

ukt

Form No. 4
[See rule 11(1)]

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 146 of 2012

Om Prakash Tiwari
By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>O.A. No. 146 of 2012, Om Prakash Tiwari vs. Chief of Army Staff and others is allowed.</p> <p>For order see our judgment passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2241 of 2016 with M.A. No. 2242 of 2016 Inre O.A. No. 295 of 2013

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Islam Khan

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Anurag Mishra, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 2241 of 2016</u></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 18.11.2015, passed by this Court in O.A. No. 295 of 2013.</p> <p>As per stamp reporter's report, there is delay of 09 months and 09 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal shall be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p> <p>The Hon'ble Supreme Court further observed as under :</p> <p><i>“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court</i></p>

proceedings”.

In view of the decision of the Hon'ble Supreme Court in the aforesaid case, the application for condonation of delay cannot be entertained and it is hereby rejected.

M.A. No 2242 of 2016

This is an application under section 31 (1) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal, having been moved by the applicant beyond the period of 30 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also rejected.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

SB

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 211 of 2016

Bishambhar Nath Pandey
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Vinay Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on the question of admission of this O.A. which has been filed by the applicant with the prayer that respondents be directed to revise the pension of the applicant w.e.f. 01.01.2006 and to make payment of arrears along with interest accrued therein.</p> <p>Matter pertains to grant of pension of Hony Nb Sub which has now been settled by this court and Hon'ble The Apex Court.</p> <p>Arguments advanced by learned counsel for the applicant is that he was conferred with the honour of Hony Nb Sub. As such, he is now entitled for revised pension of Hony Nb Sub w.e.f. 01.01.2006. There seems substance in the argument of learned counsel for the applicant.</p> <p>Accordingly, we admit this O.A.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed by learned counsel for the applicant within two weeks, thereafter.</p> <p>List this case for orders on 05.01.2017 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 49 of 2013 with M.A. No. 1908 of 2016 Inre O.A. No. 525 of 2012

Birendra Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p><u>M.A. No. 1908 of 2016</u></p> <p>Compliance report filed by learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the respondents submits that in compliance of judgment and order dated 20.12.2012 passed in O.A. No. 525 of 2012, necessary PPO has been issued and copy of the same has been served upon learned counsel for the applicant.</p> <p>Learned counsel for the applicant submits that judgment and order under execution has been fully complied with.</p> <p>Accordingly, this Execution Application has been rendered infructuous is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1**EX.A. No. 80 of 2016 Inre O.A. No. 85 of 2013****Basant Ballabh Belwal**

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Sajeet Kumar Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this Execution Application which has been filed by the applicant having been aggrieved for non compliance of judgment and order dated 24.09.2015 passed in O.A. No. 85 of 2013.</p> <p>Learned counsel for the respondents submits that in pursuance of the aforesaid judgment, necessary PPO has already been issued on 02.09.2016. Copy of the PPO has been served upon learned counsel for the applicant, today in the court itself.</p> <p>Learned counsel for the applicant submits that judgment and order under execution has been fully complied with.</p> <p>Accordingly, this Execution Application has been rendered infructuous is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 135 of 2016 Inre O.A. No. 152 of 2013

Nand Kishore

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ram Singh, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents submits that in compliance of judgment and order dated 14.10.2015 passed in O.A. No. 152 of 2013, Govt. Sanction has been obtained on 27.09.2016. He prays for and is granted four weeks' time to enable him to file compliance report. It is expected that by the date fixed, necessary PPO, in compliance of aforesaid judgment, will be issued.</p> <p>List this case for orders on 28.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1**EX.A. No. 136 of 2016 Inre O.A. No. 152 of 2013****Siya Ram Kaur**

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ram Singh, learned counsel for the applicant and Mohd Zafar Khan, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents submits that in compliance of judgment and order dated 14.10.2015 passed in O.A. No. 152 of 2013, Govt. Sanction has been obtained on 27.09.2016. He prays for and is granted four weeks' time to enable him to file compliance report. It is expected that by the date fixed, necessary PPO, in compliance of aforesaid judgment, will be issued.</p> <p>List this case for orders on 28.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 137 of 2016 Inre O.A. No. 151 of 2013

Bhuneshwar Rai

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ram Singh, learned counsel for the applicant and Shri Ashish Saxena, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents submits that in compliance of judgment and order dated 18.11.2015 passed in O.A. No. 151 of 2013, Govt. Sanction has been obtained on 27.09.2016. He prays for and is granted four weeks' time to enable him to file compliance report. It is expected that by the date fixed, necessary PPO, in compliance of aforesaid judgment, will be issued.</p> <p>List this case for orders on 28.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 138 of 2016 Inre O.A. No. 151 of 2013

Jawahar Rai

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ram Singh, learned counsel for the applicant and Shri Amit Sharma, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents submits that in compliance of judgment and order dated 18.11.2015 passed in O.A. No. 151 of 2013, Govt. Sanction has been obtained on 27.09.2016. He prays for and is granted four weeks' time to enable him to file compliance report. It is expected that by the date fixed, necessary PPO, in compliance of aforesaid judgment, will be issued.</p> <p>List this case for orders on 28.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 139 of 2016 Inre O.A. No. 151 of 2013

Kalawati Devi

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Ram Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents submits that in compliance of judgment and order dated 18.11.2015 passed in O.A. No. 151 of 2013, Govt. Sanction has been obtained on 27.09.2016. He prays for and is granted four weeks' time to enable him to file compliance report. It is expected that by the date fixed, necessary PPO, in compliance of aforesaid judgment, will be issued.</p> <p>List this case for orders on 28.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 161 of 2016 Inre O.A. No. 23 of 2011

Jeet Bahadur Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this Execution Application which has been filed by the applicant with the grievance that judgment and order dated 18.09.2015 passed in O.A. No. 23 of 2011 has not been complied with.</p> <p>Learned counsel for the respondents is directed to seek instructions from the authority concerned and submit compliance report within four weeks.</p> <p>List this case for orders on 03.01.2017 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 189 of 2016

Vijay Shanker Dwivedi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Col Rakesh Johri (Retd), holding brief of Shri V.A. Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, Col Rakesh Johri (Retd) submits that Shri V.A. Singh has not come to the court due to ailment of his brother and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 04.01.2017 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No 903 of 2016 with M.A. No 904 of 2016 Inre O.A. No 237 of 2011

Vijay Shanker Yadav

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Col Rakesh Johri (Retd), holding brief of Shri V.A. Singh, learned counsel for the applicant and Shri G.S. Sikarwar, learned counsel for the respondents.</p> <p>On call of the case, Col Rakesh Johri (Retd) submits that Shri V.A. Singh has not come to the court due to ailment of his brother and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 17.11.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>