

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 136 of 2016

Gurdeep 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>11.07.2016</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. Mishra, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant as well as learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative on admission of this O.A. which has been filed with the prayer that the applicant be granted disability pension and that before accepting his request for voluntary retirement his release medical board should have been conducted. Submission of the learned counsel for the applicant is to hold a fresh Release Medical Board in respect of the applicant and if found in lower than SHAPE-1, he be granted disability pension as per percentage of the disability assessed by the medical board.</p> <p>In the above facts and circumstances, we find it fit case for adjudication. 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 within four weeks, thereafter.</p> <p>List this case on 27.09.2016 for orders 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>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 12 of 2016

Tohid Ahmad

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>11.07.2016</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 Sidharth Dhaon 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 : The applicant in person and Shri Sidharth Dhaon, learned counsel for the respondents.</p> <p>This case has come up after having been transferred from Hon'ble Allahabad High Court on 17.05.2016 to this Tribunal and has been registered as T.A. No. 12 of 2016.</p> <p>As per office report the notice issued to the applicant has not been received served or un-served. A person present in civil dress claiming himself as applicant, Shri Tohid Ahmad states that he intends to engage a counsel for which he prays for and is granted two weeks time.</p> <p>List this case on 19.08.2016 for admission before court concerned having jurisdiction as per roster of that day.</p> <p>Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 10 of 2016 inre T.A. No. 1140 of 2010

Deonath Basfor

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>11.07.2016</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 Dharmesh Sinha, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative.</p> <p>Learned counsel for the respondents assisted by Departmental Representative submits that the cheque for the cost imposed upon the respondents on 25.05.2016, has been received. He submits that the same will be deposited in the Registry during the course of the day. So far compliance of judgment and order is concerned, it is in process.</p> <p>Accordingly, we direct the matter to be listed on 25.07.2016 for orders. On the said date, learned counsel for the respondents shall inform the court about the execution of the judgment.</p> <p>The cost deposited in the Registry shall be allowed to be withdrawn by the applicant.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 385 of 2016 with M.A. No. 722 of 2016, M.A. No. 1083 of 2016

Nitesh Kumar Kashyap

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>11.07.2016</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 Siddharth Dhaon, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on the application for condonation of delay in filing the O.A. which relates to the prayer having been made for grant of disability pension. Submission of the learned counsel for the applicant is that inspite of preferring the appeal on 04.05.2013, vide Annexure 7, the same has not yet been decided, as such the delay has occurred in filing the O.A.</p> <p>We have gone through the Annexure No. 7, which is an appeal with the prayer for grant of disability pension against the order dated 09.04.2013 passed by the respondents.</p> <p>In Page 2 of appeal, it has been mentioned "In case of Dharamvir Singh vs. Union of India & others (2013) 7 SCC 316, Sukhvinder Singh Vs. Union of India (2014) STPL (WEF) 468 SCC, Union of India vs. Rajbir Singh, (2009) 9 SCC 140, Veerpal Singh vs. Ministry of Defence (2013) 8 SCC 83, Union of India vs. Ram Avtar Civil Appeal No. 418 of 2012 dated 10.12.2014" which shows that the applicant has approached this Tribunal with unclean hand indicating the date in the appeal is 04.05.2013 whereas the judgment of the Hon'ble Apex Court was delivered in 2014. Thus the applicant has approached this court with unclean hand and has tried to mislead the Court.</p> <p>Accordingly, this application and O.A. is dismissed and a cost of Rs. 10,000/- is imposed and to be recovered from the applicant within one month. If the cost imposed is not paid by the applicant within one month, the same shall be recovered by the District Magistrate, Kanpur.</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. 661 of 2016

Shivanand 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>11.07.2016</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 A.K. 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 V.P. Pandey, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents.</p> <p>This is an application for condonation of delay in the filing the O.A. which relates to grant of disability pension. The appeal which has been rejected on 20.08.1991 is under challenge. As per office report, it is delayed by 24 years, 04 months and 13 days. Copy of this application has been served on learned counsel for the respondent on 05.07.2016.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file objection on the application for condonation of delay.</p> <p>List this case on 13.09.2016 for admission before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 884 of 2016

R.S. Gahlot

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>11.07.2016</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 A.K. Srivastava, holding brief of Shri Anand Saran, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, Shri A.K. Srivastava, states that Shri Anand Saran is out of station. Order Sheet dated 09.05.2016 indicates that respondents were granted three weeks time to file objection but the same has not been filed.</p> <p>Learned counsel for the respondents prays for and is granted three weeks and no more time to file objection on the application for condonation of delay.</p> <p>List this case on 22.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 977 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>11.07.2016</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 Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents prays for and is granted a week's time to file objection on the application for condonation of delay.</p> <p>List this case on 23.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 153 of 2013

Shriram

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>11.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Lt Col A.K. Saxena (Retd), learned counsel for the applicant and Ms. Amrita Chakraborty, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on amended petition which has been filed by the applicant with the prayer that direction be issued to quash the order dated 26.04.2011 and 19.12.2012 with reference to denial of disability pension to the applicant and to grant disability pension and also benefit of the rounding off to the applicant. Ground raised in the petition and facts seems to be genuine and the case has been admitted.</p> <p>Since the counter and rejoinder affidavits have been exchanged and the matter pertains to grant of disability pension, list the case for hearing on 03.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 198 of 2013 with M.A. No. 774 of 2016 & O.A. No. 196 of 2013
Vishnu Prasad Upadhiya 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>11.07.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that the letter by means of which the claim of the disability pension was rejected, has been received but he has not been able to bring on record as directed by this court on 09.05.2016.</p> <p>He prays for and is granted ten days' time for the same.</p> <p>List this case on 02.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 215 of 2015 with M.A. No. 645 of 2016

Omkar Nath 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
	<p><u>11.07.2016</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 Shyam Singh, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant prays for and is granted ten days' time to file rejoinder affidavit.</p> <p>List this case for orders on 16.08.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 192 of 2015

Rahmat Ullah Sheikh

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>11.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Wg Cdr A.K. Singh (Retd), learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents.</p> <p>Heard Wg Cdr A.K. Singh (Retd) and Shri Asheesh Agnihotri at length.</p> <p>Arguments concluded.</p> <p>Judgment reserved.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 4 of 2011

Dinesh 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>11.07.2016</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. Mishra, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Learned counsel for the applicant is directed to file typed amended copy of the O.A. in the Registry during the course of the day.</p> <p>Put up this case on 13.07.2016 for hearing before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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 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>08.07.2016</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 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 R. Chandra, learned counsel for the applicant and Shri Mohd Zafar Khan, learned counsel for the respondents.</p> <p><u>M.A. No. 1432 of 2016</u></p> <p>This is an application for condonation of delay in filing the Original Application which relates to grant of disability pension to the applicant. As per stamp reporter's report there is delay of 33 years, 07 months and 17 days in filing the O.A. Copy of this application has been served on learned standing counsel on 01.07.2016.</p> <p>Learned standing counsel for the respondents prays for and is granted four weeks' time to file objection to the application for condonation of delay.</p> <p>List this case on 01.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 111 of 2016 Inre T.A. No. 27 of 2012

Raj Nath Tiwari

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>08.07.2016</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 Rajiv 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 Shashwat Shukla, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p><u>Execution Application No. 111 of 2016</u></p> <p>Heard learned counsel for the parties on this Execution Application which has been filed by the applicant with the prayer that judgment and order of this Court dated 29.10.2015 passed in T.A. No. 27 of 2012 has not yet been complied with inspite of three month's time having elapsed.</p> <p>In this case disability is 100% for life. It is a sad part of affair that though three months have lapsed but disability pension to the applicant has not yet been granted. As prayed, learned counsel for the respondents is granted four weeks' further time to obtain instructions and file affidavit stating as to why and under what circumstances the aforesaid judgment and order has not been complied with.</p> <p>In case the judgment and order is not fully complied with by the next date, the respondents will be ready to bear heavy cost and this Court will have no other option but to initiate contempt proceedings against the erring officer.</p> <p>List this case on 02.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>Lt Gen Gyan Bhushan) Member (A) SB</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. 1368 of 2016 with M.A. No. 1369 of 2016 Inre O.A. No. 411 of 2012

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Paras Nath Singh

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>08.07.2016</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 Yogesh Kesarwani, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 1368 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. 411 of 2012.</p> <p>As per stamp reporter's report, there is delay of 06 months and 25 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 the Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, the grounds taken in the affidavit filed in support of the application are not in consonance with the judgment of the Hon'ble Apex Court in the case of 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</i></p>

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 1369 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

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1370 of 2016 with M.A. No. 1371 of 2016 Inre O.A. No. 213 of 2013

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Rishi Ram Shukla
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>08.07.2016</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 Yogesh Kesarwani, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 1370 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 14.10.2015, passed by this Court in O.A. No. 213 of 2013.</p> <p>As per stamp reporter's report, there is delay of 06 months and 29 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 the Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, the grounds taken in the affidavit filed in support of the application are not in consonance with the judgment of the Hon'ble Apex Court in the case of 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</i></p>

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 1371 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)

SB

(Justice Abdul Mateen)
Member (J)

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1379 of 2016 with M.A. No. 1380 of 2016 Inre T.A. No. 1473 of 2010

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Nand Lal Gupta
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>08.07.2016</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 Sunil Sharma, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 1379 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 17.11.2015, passed by this Court in T.A. No. 1473 of 2010.</p> <p>As per stamp reporter's report, there is delay of 06 months and 01 day 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 the Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, the grounds taken in the affidavit filed in support of the application are not in consonance with the judgment of the Hon'ble Apex Court in the case of 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</i></p>

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 1380of 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)

SB

(Justice Abdul Mateen)
Member (J)

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1400 of 2016 with M.A. No. 1401 of 2016 Inre O.A. No. 177 of 2014

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Nagendra Kumar Pandey

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>08.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Mrs. Deepti Prasad Bajpai, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 1400 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 11.02.2016, passed by this Court in O.A. No. 177 of 2014.</p> <p>As per stamp reporter's report, there is delay of 03 months and 15 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 the Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, the grounds taken in the affidavit filed in support of the application are not in consonance with the judgment of the Hon'ble Apex Court in the case of 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</i></p>

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 1401 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)

SB

(Justice Abdul Mateen)
Member (J)

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1402 of 2016 with M.A. No. 1403 of 2016 Inre O.A. No. 320 of 2013

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Manoj Kumar

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>08.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Mrs. Deepti Prasad Bajpai, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 1402 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 12.01.2016, passed by this Court in O.A. No. 320 of 2013.</p> <p>As per stamp reporter's report, there is delay of 04 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 shall be made for approaching the Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, the grounds taken in the affidavit filed in support of the application are not in consonance with the judgment of the Hon'ble Apex Court in the case of 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</i></p>

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 1403 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)

SB

(Justice Abdul Mateen)
Member (J)

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Dy. No. 708 of 2016

I.S. 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>08.07.2016</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 Namit Sharma, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents states that he be granted a week's further time to file objection. Accordingly, one week and no more time is granted to file objection to the application for condonation of delay.</p> <p>List this case on 23.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 23 of 2015 In Ref with M.A. No. 1434 of 2016 Inre O.A. No. 324 of 2012
Bajnath 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>08.07.2016</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 Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>This Execution Application has been filed with respect to non implementation of judgment and order dated 22.08.2012 of this Court. In this case necessary PPO has already been issued with respect to revised pension but the PPO was not brought on record on last date and the case was adjourned.</p> <p>Today, learned counsel for the respondents has filed copy of PPO dated 21.12.2015, issued by PCDA (P), stating that the order has been complied with. Copy of the same has been served on learned counsel for the applicant, as stated by the learned counsel for the respondents and affidavit is taken on record.</p> <p>Accordingly, we dismiss this Execution Application as having become infructuous.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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

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

Nand Lal Gupta

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>08.07.2016</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>Learned counsel for the respondents prays that two weeks' further time be granted to him to obtain instructions and to comply with the judgment and order of this court.</p> <p>As prayed, four weeks' and no more time is granted to comply with the judgment and order of this court.</p> <p>List this case on 02.09.2016 for orders 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>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 50 of 2016 Inre O.A. No. 194 of 2013

Ashok Chakrabarti

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>08.07.2016</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 Namit Sharma, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative.</p> <p>Heard learned counsel for the applicant as well as learned counsel for the respondents duly assisted by Departmental Representative on this Execution Application which has seen the light of the day on account of non compliance of judgment and order dated 16.10.2015, passed in O.A. No. 194 of 2013 which relates to grant of disability pension which was admittedly assessed as 80%, rounded off to 100%. It is unfortunate that the said order has not yet been complied with.</p> <p>Learned counsel for the respondents prays that he be granted four weeks' further time to comply with the aforesaid judgment. Time prayed for is granted with the caution that no further time will be granted for the implementation of the judgment. In case the judgment and order of this Court is not complied with by the next date fixed, the respondents shall be ready to bear heavy cost and this Court will have no other option but to initiate contempt proceedings against the erring officer.</p> <p>List this case on 05.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A. No. 129 of 2015 with M.A. No. 699 of 2016

Bhopal 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>08.07.2016</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 Vijyant Nigam, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays that he be granted two weeks' time to file replication to the objection filed on behalf of respondents to the application for amendment.</p> <p>Time prayed for is granted.</p> <p>List this case for admission on 06.09.2016 for orders before the court concerned having jurisdiction as per roster of that day, showing the name of Shri Vijyant Nigam, as counsel for the applicant.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 629 of 2016 with M.A. No. 1247 of 2016

Raj 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>08.07.2016</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 Nishant Kumar, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 629 of 2016</u></p> <p>This application has been moved by the learned counsel for the applicant for condonation of delay in filing the Original Application in relation to prayer having been made for grant of disability pension. As per stamp reporter's report, there is delay of 11 months and 23 days in filing the Original Application. No doubt, objection to the application for condonation of delay has been filed on behalf of the respondents vide application No. 1247 of 2016.</p> <p>Heard learned counsel for the applicant. Matter pertains to grant of disability pension. The grounds taken and urged for condoning the delay in filing the Original Application seems to be genuine and the applicant has also exhausted the remedies of first and second appeals. Taking into consideration the facts and circumstances which led to a little delay in filing the Original Application, the objection raised on behalf of respondents is rejected, the delay is condoned and the application for condonation of delay is allowed.</p> <p>Let the Original Application be registered.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 159 of 2016

Raj 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>08.07.2016</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 Nishant Kumar, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>List this case for admission on 07.09.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 710 of 2016

Ram Pratap
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>08.07.2016</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 Mrs. Anju Singh, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' further time to file objection against the application for condonation of delay.</p> <p>List this case on 07.09.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 883 of 2016

Jagdish 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>08.07.2016</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 Namit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted two weeks' and no more time to file objection against the application for condonation of delay.</p> <p>List this case on 08.09.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 345 of 2015

Nihal 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>08.07.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned standing counsel submits that counter affidavit is under preparation and only ten days' further time is required to file the same. Let the counter affidavit be filed within ten days.</p> <p>List this case on 22.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 95 of 2016

Anil 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>08.07.2016</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), learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>Learned standing counsel submits that counter affidavit is under preparation and only ten days' further time is required to file the same. Let the counter affidavit be filed within ten days.</p> <p>List this case on 23.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 433 of 2012

Ram Sajiwan

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>08.07.2016</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 Maurya holding brief of Shri O.P. Kushwaha, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>As prayed by the learned counsel for the applicant, list this case on <u>08.09.2016</u> for hearing before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sryt</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. 563 of 2010

Ram Swaroop

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>08.07.2016</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 Namit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submits that he does not intend to file any reply to the supplementary affidavit filed on behalf of the respondents vide application No.1440 of 2016. The said application is taken on record.</p> <p>List on 12.08.2016 for hearing before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 50 of 2013

G.C. Agarwal

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>08.07.2016</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 Amit Jaiswal, learned counsel for the respondents.</p> <p>As already ordered in Execution Application No. 3 of 2016, List this case on 15.09.2016 for hearing along with the said Execution Application before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 1328 of 2016 Inre O.A. No. Nil of 2016

Gajendra 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>07.07.2016 (Taken on 08.07.2016)</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 Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case on 18.08.2016 for orders 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

M.A. No. 1384 of 2016

Smt. Laxmi 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>07.07.2016 (Taken on 08.07.2016)</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 Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case on 24.08.2016 for orders 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

M.A. No. 1366 of 2016 with M.A. No. 1367 of 2016 Inre O.A. No. 167 of 2013

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Raghunath Prasad

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>07.07.2016 (Taken on 08.07.2016)</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 Yogesh Kesarwani, learned counsel for the applicants and none for the respondent.</p> <p>As prayed by learned counsel for the applicant, list this case on 08.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 1416 of 2016 with M.A. No. 1417 of 2016 Inre O.A. No. 302 of 2013

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Parmatma Singh

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>07.07.2016 (Taken on 08.07.2016)</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 A.K. Sahu, learned counsel for the applicants and none for the respondent.</p> <p>As prayed by learned counsel for the applicant, list this case on 08.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 9 of 2016 with M.A. No. 604 of 2016 & M.A. No. 730 of 2016

Rajendra 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>07.07.2016 (Taken on 08.07.2016)</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 Virendra Kumar Singh, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 18.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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

**MA. No. 267 of 2016 with M.A. No. 268 of 2016, M.A. No. 1028 of 2016 Inre T.A.
No. 84 of 2013**

Gurmeet 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>07.07.2016 (Taken on 08.07.2016)</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 Manoj Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 18.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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
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>07.07.2016 (Taken on 08.07.2016)</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 05.08.2016 for orders 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. 318 of 2015

Shiv Narain 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>07.07.2016 (Taken on 08.07.2016)</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.K. Gupta, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 24.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 320 of 2015

Jeetan Lal Tiwari
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>07.07.2016 (Taken on 08.07.2016)</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.K. Gupta, learned counsel for the applicant and Shri A.K. Srivastava, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 24.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 338 of 2015

Rohit 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>07.07.2016 (Taken on 08.07.2016)</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.</p> <p>On joint request of learned counsel for the parties, list this case on 18.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 3 of 2016

Prakash Narain Shukla

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>07.07.2016 (Taken on 08.07.2016)</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 06.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 6 of 2016 with M.A. No. 1024 of 2016

Rajendra 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>07.07.2016 (Taken on 08.07.2016)</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 A.K. Singh, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 07.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 24 of 2016 with M.A. No. 824 of 2016 & M.A. No. 996 of 2016

Ramesh Babu

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>07.07.2016 (Taken on 08.07.2016)</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 D.K. Pandey, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 12.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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

Dy. No. 1366 of 2016

Thiam Tomba 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>07.07.2016 (Taken on 08.07.2016)</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, learned counsel for the respondents.</p> <p>On joint request of learned counsel for the parties, list this case on 09.08.2016 for orders 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. 305 of 2013

Dinesh 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>07.07.2016 (Taken on 08.07.2016)</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. Shri Namit Sharma, learned counsel for the respondents.</p> <p>Vide order dated 31.03.2016, President Medical Board, Command Hospital, Lucknow was directed to appear and assist the court. In response to the said order Dr S.K. Saxena, President Medical Board, Command Hospital, Lucknow is present. His appearance on future dates is exempted.</p> <p>Heard learned counsel for the parties at some length.</p> <p>List this case on 14.07.2016 for further hearing.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 1363 of 2010

Meharwan Singh Negi
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>07.07.2016 (Taken on 08.07.2016)</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.M. Royekwar, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>This is not an admitted case and wrongly has been listed for hearing.</p> <p>We direct it to be listed on 04.08.2016 for admission before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 1409 of 2016

Brig N.D. Prasad (Retd)
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>05.07.2016</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 : 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. 1409 of 2016</u></p> <p>This is an application for condonation of delay in filing the Original Application which relates to rounding off of disability pension to the applicant. As per stamp reporter's report there is delay of 10 years, 10 months and 01 day in filing the O.A. Copy of this application has been served on learned standing counsel on 01.07.2016.</p> <p>Learned standing counsel for the respondents prays for and is granted four weeks' time to file objection to the application for condonation of delay.</p> <p>List this case on 11.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 151 of 2016

Shashi Prabha 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>05.07.2016</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 Namit Sharma 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 : Col Y.R. Sharma (Retd), learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this O.A. which has been filed by the applicant. The disability of the applicant has been assessed as 40% which has been considered as not attributable to military service as such the disability pension has not been granted to him.</p> <p>Accordingly we admit the O.A.</p> <p>Learned counsel for the respondents prays for and is granted six weeks' time to file counter affidavit and rejoinder affidavit may be filed by the learned counsel for the applicant within four weeks thereafter.</p> <p>List this case on 16.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>Lt Gen Gyan Bhushan) Member (A) SB</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. 1358 of 2016 with M.A. No. 1359 of 2016 Inre T.A. No. 955 of 2010

Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Jagroop Singh Yadav
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>05.07.2016</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 and none for the respondent.</p> <p><u>M.A. No. 1358 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 23.11.2015, passed by this Court in T.A. No. 955 of 2010.</p> <p>As per stamp reporter's report, there is delay of 05 months and 12 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 grant of leave to appeal 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</i></p>

including the Government.”

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 1359 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

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1375 of 2016 with M.A. No. 1376 of 2016 Inre O.A. No. 180 of 2013

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Hari Gyan Singh

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>05.07.2016</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 Yogesh Kesarwani, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 1375 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. 180 of 2013.</p> <p>As per stamp reporter's report, there is delay of 06 months 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 grant of leave to appeal 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</i></p>

including the Government.”

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 1376 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

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1377 of 2016 with M.A. No. 1378 of 2016 Inre T.A. No. 1045 of 2010

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Bishnu Prasad Thapa

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>05.07.2016</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 Amit Jaiswal, learned counsel for the applicants and none for the respondents.</p> <p><u>M.A. No. 1377 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 15.10.2015, passed by this Court in T.A. No. 1045 of 2010.</p> <p>As per stamp reporter's report, there is delay of 07 months and 03 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 grant of leave to appeal 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</i></p>

including the Government.”

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 1378 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

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 14 of 2012 with Dy No. 326 of 2015 Inre T.A. No. 394 of 2010

V.N. Saxena

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>05.07.2016</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 Chandan Sharma, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>Heard learned counsel for the parties on this Execution Application which has been preferred by the applicant for non implementation of judgment and order dated 02.03.2012 to the effect that inspite of setting aside the order of discharge dated 13.11.1990 and direction to grant all consequential benefits and treat him to be in the rank of Capt at the time of discharge, has not been granted in toto and has not been provided as and when due to the applicant. Although a supplementary affidavit, M.A. No. 537 of 2015 has been filed by learned counsel for the respondents regarding policy on promotion but nothing has been said about reasons for not granting promotion to the applicant. Detailed affidavit has not been filed by the learned counsel for the respondents.</p> <p>He prays for and is granted four weeks' time to file detailed affidavit stating that as to why the applicant was not promoted to the subsequent ranks.</p> <p>List this case on 22.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 25 of 2016 Inre O.A. No. 216 of 2014

Durga 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>05.07.2016</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 Manoj Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents informs the court that statutory petition filed by the applicant has been decided by the competent authority on 30.05.2016 which has been communicated to the applicant on 21.06.2016.</p> <p>In view of the above, this Execution Application has become infructuous and accordingly, it is disposed of.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 90 of 2016 Inre T.A. No. 8 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>05.07.2016</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 duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>Heard learned counsel for the applicant as well as learned counsel for the respondents duly assisted by Departmental Representative on this Execution Application which has been preferred by the applicant for non execution of judgment and order dated 23.12.2015 of this court. A detailed order was passed on 18.05.2016 and three weeks time was granted to the respondents to comply the aforesaid judgment. Even today, learned counsel for the respondents submits that the matter is under process and the judgment will be executed within next four weeks.</p> <p>He prays for and is granted four weeks' and no more time to execute the judgment and order of this Court.</p> <p>List this case for orders on 16.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>We expect that judgment will be executed by the date fixed. In case the judgment and order of this Court is not executed by the date fixed, respondents shall be ready to bear heavy cost and to face contempt proceeding.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 1933 of 2015 with M.A. No. 2174 of 2015

Jagpat 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>05.07.2016</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 duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>Learned counsel for the applicant states that in pursuance of order dated 07.01.2016, he intends to file better affidavit and prays that a weeks' further time be granted to him.</p> <p>Time prayed is granted.</p> <p>List this case for orders on 03.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 866 of 2016 with M.A. No. 867 of 2016 Inre Dy No. 1761 of 2014
Suprita Chandel 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>05.07.2016</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.A. Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p><u>M.A. No. 866 of 2016</u></p> <p>This application has been moved by the learned counsel for the applicant for condonation of delay in filing the Restoration Application for recall of order dated 04.02.2015 by means of which Dy. No. 1761 of 2014 was dismissed for non prosecution. The reasons given in the application for condonation of delay in filing restoration application seem to be genuine and delay in filing the restoration application is hereby condoned.</p> <p><u>M.A. No. 867 of 2016</u></p> <p>So far as M.A. No. 867 of 2016 is concerned, we have gone through the application and affidavit filed in support thereof. The reasons given in the affidavit seem to be genuine.</p> <p>Accordingly the order dated 04.02.2015 is hereby recalled and the Dy. No. 1761 of 2014 is restored to its original number.</p> <p>List this case for admission on 25.08.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 1118 of 2016 with M.A. No. 1119 of 2016 Inre T.A. No. 06 of 2015
Sushil 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>05.07.2016</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 Col Kamal Singh, Departmental Representative for the respondents.</p> <p>On call of the case a person in civil dress claiming himself as Sushil Kumar appears.</p> <p><u>M.A. No. 1118 of 2016</u></p> <p>This application has been moved by the learned counsel for the applicant for condonation of delay in filing the Restoration Application No. 1119 of 2016 which relates to recall of order dated 07.01.2016 passed by this court dismissing T.A. No. 6 of 2015 for non prosecution. The reasons given in the application for condonation of delay in filing restoration application seem to be genuine and delay in filing the restoration application is hereby condoned.</p> <p><u>M.A. No. 1119 of 2016</u></p> <p>So far as M.A. No. 1119 of 2016 is concerned, we have gone through the application and affidavit filed in support thereof. The reasons given in the affidavit seem to be genuine.</p> <p>Accordingly the order dated 07.01.2016 is hereby recalled and the T.A. No. 06 of 2015 is restored to its original number.</p> <p>List this case for admission on 05.09.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 201 of 2011 with M.A. No. 2395 of 2015

Govind 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>05.07.2016</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 Lal Chandra Sahu, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he has not been able to file amended copy of O.A. as directed by this Court and also apart from it, even supplementary counter affidavit as directed by this Court has not been filed by the respondents.</p> <p>Both the counsels pray for and are granted two weeks' time to file the same.</p> <p>List this case on 11.08.2016 for orders before the 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. 85 of 2014

Shyam Neeraj
By Legal Practitioner for Applicant

Applicant

Versus

Ministry of Defense
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>05.07.2016</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 Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he has not been able to file amended copy of O.A. as directed by this Court and also apart from it, even supplementary counter affidavit as directed by this Court has not been filed by the respondents.</p> <p>Both the counsels pray for and are granted two weeks' time to file the same.</p> <p>List this case on 17.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 187 of 2015

Ram Gopal 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>05.07.2016</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 Kumar, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents states that counter affidavit is ready and will be filing the same in the Registry within a week.</p> <p>Learned counsel for the applicant may file rejoinder affidavit within two weeks' thereafter.</p> <p>List this case on 24.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 279 of 2015

Satya Pal 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>05.07.2016</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 Prasad Bajpai, learned counsel for the respondents assisted by Col Kamal Singh, Departmental Representative.</p> <p>Learned counsel for the respondents has served a copy of counter affidavit to the learned counsel for the applicant today in the court and submits that he will file the same in the Registry today itself.</p> <p>Learned counsel for the applicant prays for and is granted ten days time to file rejoinder affidavit.</p> <p>List this case on 26.07.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to the case for perusal of the Court.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 322 of 2015

Mohd Aziz Khan
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>05.07.2016</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 Shri Ashish Kumar Singh, learned counsel for the respondents.</p> <p>No one appears for the applicant, a person in civil dress claiming himself as Mohd Aziz Khan appears and states that his counsel has not been able to come to the court today and prays for adjournment.</p> <p>Accordingly, the case is adjourned.</p> <p>It is expected that by the next date, counter affidavit shall be filed by the respondents.</p> <p>List this case on 22.08.2016 for hearing before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 339 of 2015 with M.A. No. 1410 of 2016

Rajender 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>05.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Wg Cdr A.K. Singh (Retd), learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p><u>M.A. No. 1410 of 2016</u></p> <p>Rejoinder affidavit filed by the learned counsel for the applicant is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Counter affidavit filed by the learned counsel for the respondents is not on record. It seems that it has been annexed with other case with similar name (Rajender Singh).</p> <p>List this case on 12.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 358 of 2015 with M.A. No. 1187 of 2016 & M.A. No. 1414 of 2016

Raj 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>05.07.2016</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 Prasad Bajpai, learned counsel for the respondents.</p> <p><u>M.A. No 1187 of 2016</u></p> <p>Counter Affidavit filed by learned counsel for the respondents is taken on record.</p> <p>M.A. No 1187 of 2016 is disposed of accordingly.</p> <p><u>M.A. No 1414 of 2016</u></p> <p>Rejoinder Affidavit filed by learned counsel for the applicant is taken on record.</p> <p>M.A. No 1414 of 2016 is disposed of accordingly.</p> <p><u>O.A. No. 358 of 2015</u></p> <p>Pleadings have been exchanged. The matter pertains to disability pension.</p> <p>List this case on 05.10.2016 for hearing before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 101 of 2011

K.P. Hore & others

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>05.07.2016</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 B.D. Tiwari, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents assisted by Col Kamal Singh, Departmental Representative.</p> <p>Heard learned counsel for the parties at length.</p> <p>This application was preferred by Smt Noni Prabha Hore Widow of late No 70383 Ex Spr S.M. Hore. Subsequently after death of Smt Noni Prabha Hore, her heirs Shri K.P. Hore, married son, Smt Karuna Mayee Dey, married daughter, Kumari Aruna Mayee Hore, unmarried daughter and Kumari Sulata Mayee Hore, were substituted and prayer was made to grant family pension to wife and subsequently to her unmarried daughter Kumari Sulata Mayee Hore as she is still unmarried, unemployed and dependent whereas all the other heirs are either married or earning members. Impleadment was allowed by this Tribunal on 02.03.2012 and counter and rejoinder affidavits have been exchanged.</p> <p>Argument advanced by Learned Counsel for the applicant is that father of the applicant late Spr S.M. Hore was in the army and was getting disability pension till 29.04.1953, but later on his disability was assessed less than 20% for 10 years as such with effect from 30.04.1953 his disability pension as well as service element was stopped. It also comes out that after 10 years, no Re-survey Medical Board was held after 30.04.1963 and Ex Spr S.M. Hore died on 21.04.1967.</p> <p>It has also been pressed by Learned Counsel for the applicant that based on various representations from such personnel, Govt. of India, Ministry of Defence, Department of Ex-Servicemen Welfare, New Delhi has issued Circular No 12 (28)/2010-D (Pen/Pol) dated 10.02.2014, indicating therein that condition prescribed prior to</p>

01.01.1973 for continuance of service element with reference to minimum stipulated qualifying service, in cases where the accepted degree of disability subsequently fell below 20% shall be dispensed with from 01.01.1973 or the date from which the accepted degree of disability fell below 20%, whichever is later. The Next of Kin of such invalidated out personnel who at the time of invalidment were in receipt of disability pension and subsequently died, shall also be entitled for family pension from the date following the date of death of individual.

Learned Counsel for the applicant has pressed his entire argument on this Govt. of India, Ministry of Defence letter dated 10th February 2014 referred above. It comes out from submissions that wife of late Spr S.M. Hore is entitled to family pension till her death i.e. 05.12.2011 and after her death, one of the daughter namely Kumari Sulata Mayee Hore who is the unmarried and unemployed daughter of late Spr S.M. Hore and as per income certificate submitted by means of application (No 1091/2016) seems dependent and is entitled to family pension.

In view of the discussion made above and Govt. of India, Ministry of Defence policy letter dated 10th February 2014, we direct the respondents to consider the case for grant of family pension to Smt Noni Prabha Hore, wife of late Spr S.M. Hore from 01.01.1973 to 05.12.2011 (date of death of Smt Noni Prabha Hore) and thereafter to unmarried daughter Kumari Sulata Mayee Hore who as per income certificate submitted seems unmarried, unemployed and dependent as such is entitled to the family pension.

It will be open to the applicant to provide certificates to the respondents to the effect that Kumari Sulata Mayee Hore is daughter of late Ex Spr S.M. Hore and Smt Noni Prabha Hore and that she is unmarried, unemployed and dependent on her sister. All these certificates will be provided to the respondents within 10 days by the applicant.

The respondents are directed to take appropriate measure for grant of family pension within four months from the date of receipt of copy of this order.

(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

O.A. No. 149 of 2013

Smt. Munni 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>05.07.2016</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 Kumar, learned counsel for the applicant and Shri D.K. Pandey, 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 been able to come to the court today and prays for adjournment.</p> <p>Accordingly, the matter is adjourned.</p> <p>List this case on 26.08.2016 for hearing before the court concerned having jurisdiction as per roster of that day.</p> <p>On the next date, learned counsel for the applicant shall provide missing certificate and copy of FIR lodged, if any.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 1338 of 2016

A.K. Pandey

Applicant

By Legal Practitioner for Applicant

Versus

Notes of the Registry	Orders of the Tribunal
	<p><u>04.07.2016</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 Mrs. Deepti Prasad Bajpai on behalf of respondents is taken on record. Let her name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : None for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p><u>M.A. No. 1338 of 2016</u></p> <p>Case called out. Neither the applicant nor his counsel is present nor is there any request to pass over the case. However, since this is an application for condonation of delay in filing the Original Application which relates to grant of disability pension to the applicant and as per stamp reporter's report there is delay of 08 years, 01 month and 28 days in filing the O.A. Copy of this application has been served on learned standing counsel on 31.05.2016.</p> <p>Learned standing counsel for the respondents prays for and is granted six weeks' time to file objection to the application for condonation of delay.</p> <p>List this case on 02.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 2 of 2015 Inre T.A. No. 46 of 2013

Om Prakash Dubey
By Legal Practitioner for Applicant

Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>04.07.2016</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 Namit Sharma, learned counsel for the respondents.</p> <p><u>Execution Application No. 2 of 2015</u></p> <p>Heard learned counsel for the applicant and learned counsel for the respondents on this execution application which has arisen with respect to non implementation of judgment and order of this court dated 11.04.2014 and 26.08.2014 passed in T.A. No. 46 of 2013.</p> <p>The respondents have handed over the copy of PPO to learned counsel for the applicant, issued in pursuance of judgment of this Court.</p> <p>Learned counsel for the applicant states that he will verify from his client that pension has been received or not. He prays for and is granted three weeks' time for the same.</p> <p>List this case on 12.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>Lt Gen Gyan Bhushan) (Justice Abdul Mateen) Member (A) Member (J) SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1**EX.A. No. 19 of 2016 Inre O.A. No. 64 of 2014****Ram Prasad**

Applicant

By Legal Practitioner for Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>04.07.2016</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.</p> <p><u>Execution Application No. 19 of 2016</u></p> <p>Heard learned counsel for the applicant and learned counsel for the respondents on this execution application which has been filed for non implementation of judgment and order of this court dated 03.06.2015 passed in O.A. No. 64 of 2014.</p> <p>Learned counsel for the respondents states that necessary PPO has been issued to the applicant and copy has been served on learned counsel for the applicant in the Court.</p> <p>Learned counsel for the applicant states that he intends to enquire from his client as to whether his client has received the requisite amount as indicated in the PPO or not. He prays for and is granted three weeks' time for the same.</p> <p>List this case on 16.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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**EX.A. No. 87 of 2016 Inre O.A. No. 398 of 2012****Ram Shanker Dubey**

Applicant

By Legal Practitioner for Applicant

Versus

OIC EME Records & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.07.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>As prayed by learned standing counsel assisted by Col Kamal Singh, Departmental Representative, as a matter of last opportunity, three weeks' and no more time is granted to enable the authorities concerned to issue necessary PPO in compliance of the judgment and order passed by this Court.</p> <p>List this case on 17.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 88 of 2016 Inre O.A. No. 248 of 2012

Subhash Chandra

Applicant

By Legal Practitioner for Applicant

Versus

OIC ASC Records, AT & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.07.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>As prayed by learned standing counsel assisted by Col Kamal Singh, Departmental Representative, as a matter of last opportunity, three weeks' and no more time is granted to enable the authorities concerned to issue necessary PPO in compliance of the judgment and order passed by this Court.</p> <p>List this case on 17.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 625 of 2016 Inre O.A. No. Nil of 2016

Yogendra Singh Chahal
By Legal Practitioner for Applicant

Applicant

Versus

Notes of the Registry	Orders of the Tribunal
	<p><u>04.07.2016</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 Srivastava, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents states that objection to the application for condonation of delay has been prepared and served on learned counsel for the applicant in the Court.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file objection, if any.</p> <p>List this case on 18.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 646 of 2016 with M.A. No. 768 of 2016
Balavikraman Nair R
By Legal Practitioner for Applicant

Applicant

Versus

Notes of the Registry	Orders of the Tribunal
	<p><u>04.07.2016</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.A. Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p><u>M.A. No. 646 of 2016</u></p> <p>This is an application for condonation of delay in filing the O.A. by the applicant which as per stamp reporter's report, is delayed by 21 years, 04 months and 18 days. The reasons given in the affidavit in support of the application seems to be genuine and also the matter pertains to disability pension. As such, taking in to consideration the aspects, we condone the delay and objections filed by the learned counsel for the respondents vide Application No. 768 of 2015 are hereby rejected.</p> <p>List this O.A. for orders on 19.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 690 of 2016

Amar Pal Singh
By Legal Practitioner for Applicant

Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>04.07.2016</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 R.K.S. Chauhan, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>Heard learned counsel for the applicant and learned counsel for the respondents.</p> <p>Learned counsel for the respondents states that he was granted four weeks time to file objection but he could not file the same and it is under process. He prays that as a matter of last opportunity, two weeks' time be granted to him to file objection. As prayed, two weeks' time is granted to file objection.</p> <p>List this O.A. for orders on 12.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 691 of 2016

Pramod Kumar 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>04.07.2016</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. Chet Narain Singh, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>Heard learned counsel for the applicant and learned counsel for the respondents.</p> <p>Learned counsel for the respondents states that he was granted four weeks time to file objection but he could not file the same and it is under process. He prays that as a matter of last opportunity, two weeks' time be granted to him to file objection. As prayed, two weeks' time is granted to file objection.</p> <p>List this O.A. for orders on 16.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 208 of 2015 with M.A. No. 1406 of 2016

Vijay 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>04.07.2016</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 Adesh Kumar Gupta, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p><u>M.A. No. 1406 of 2016</u></p> <p>Case called out. Rejoinder affidavit filed by the learned counsel for the applicant has been taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Since the matter pertains to disability pension, list this case for hearing on 23.08.2016 before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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. 292 of 2015

Gajendra 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>04.07.2016</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.A. Singh, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant and learned counsel for the respondents on this petition which has been preferred by the applicant praying therein that respondents be directed to grant the applicant extension of service w.e.f. 17.03.2009 to 26.03.2011 and he be provided benefits including pay and allowances with suitable rate of interest in lieu of the period of extension for which he was fully eligible, which has been denied by the respondents.</p> <p>The applicant had filed Writ Petition before Hon'ble Gauhati High Court. By order dated 25.06.2008, further extension of service to the applicant was not allowed as it comes out that the applicant was serving in Garhwal Rifles from 19.11.1973 to 30.11.1997 and his extension of service was refused which was challenged before the Hon'ble Gauhati High Court which was allowed and appeal was preferred thereafter vide Appeal No. 90/2009. Hon'ble Gauhati High Court had set aside the Hon'ble Single Bench order and had observed :-</p> <p><i>“Learned counsel for the applicant submits that even though the view taken by learned single judge was erroneous, in view of lapse of time, even if the respondent is to be granted extension, the same could be only up to 23.12.2011 and at this stage the matter has become infructuous”</i></p> <p><i>Learned counsel for the respondents submits that since the petitioner was wrongly denied extension he was entitled to compensation. Since the matter has become infructuous, we do not consider it necessary to go in to the rival contentions. It is, however made clear that writ petition will not be debarred from putting forward his claim at any appropriate forum in accordance with law.</i></p> <p><i>The Appeal accordingly disposed of.”</i></p>

In view of the observations made by the Hon'ble High Court, the prayer, made by the applicant before this Tribunal, cannot be granted.

The applicant may approach the authority concerned as directed by the Hon'ble High Court by putting forward his claim.

This petition has no force and is accordingly disposed off.

(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

O.A. No. 68 of 2016

Rash Bihari 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>04.07.2016</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. Ashish Asthana, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents states that counter affidavit is under preparation. He prays that as a matter of last opportunity four weeks and no more time be granted to file counter affidavit.</p> <p>As prayed, four weeks' time is granted to file counter affidavit.</p> <p>List this case on 18.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 99 of 2016

Kishan 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>04.07.2016</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.C. Kushwaha, learned counsel for the applicant and Shri Kaushik Chattarji, learned counsel for the respondents.</p> <p>The matter pertains to disability pension. Time was already granted to learned counsel for the respondents to file objection/counter affidavit but no objection has been filed.</p> <p>As a matter of last opportunity four weeks and no more time is granted to learned counsel for the respondents to file counter affidavit/objection.</p> <p>List this case on 19.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 101 of 2011

K.P. Hore & others

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>04.07.2016</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 B.D. Tiwari, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents assisted by Col Kamal Singh, Departmental Representative.</p> <p>Heard learned counsel for the applicant at length and learned counsel for the respondents duly assisted by Colonel Kamal Singh, Departmental Representative.</p> <p>Put up this case tomorrow (05.07.2016) for further hearing.</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. 18 of 2011

Satyavir 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>04.07.2016</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 Namit Sharma, learned counsel for the respondents.</p> <p>On the request made by the leaned counsel for the respondents, list this case on 01.08.2016 for hearing before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 147 of 2011

Satendra 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>04.07.2016</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. Mishra, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p>As prayed by leaned counsel for the respondents, list this case on 12.08.2016 for hearing before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 149 of 2016

Dilip Kumar 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>01.07.2016</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 : None for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Case called out. Neither the applicant nor his counsel is present nor is there any request to pass over the case. However, in the interest of justice, the case is adjourned.</p> <p>List this case on 09.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 107 of 2016 Inre O.A. No. 153 of 2015

Jagvir 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>01.07.2016</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 Sunil Sharma 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 R. Chandra, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p><u>Execution Application No. 107 of 2016</u></p> <p>Heard learned counsel for the applicant and learned counsel for the respondents on this execution application which relates to non implementation of order of this court dated 15.07.2015 by which it was directed that respondent concerned/competent authority would decide the representation dated 03.06.2015 by reasoned and speaking order within specified time.</p> <p>Vide Annexure No. 3 at Page 7, the said representation preferred by the applicant was decided by Col Hemant Dubey, Officiating Commandant on 27.12.2015.</p> <p>The arguments raised by the learned counsel for the applicant is that since the representation had been made to the Chief of Army Staff and according to him, he is the competent authority to decide the representation and not Col Hemant Dubey, Officiating Commandant.</p> <p>Even legal notice under Section 80 of CPC was given by the counsel for the applicant to Chief of Army Staff vide Annexure No. 5 to which the reply was given that the representation preferred by the applicant has been decided by the competent authority in accordance with the instructions contained in Integrated Headquarters of Ministry of Defence (Army) letter No A/20314/MT-3 dated 28.02.1986. The competent authority for implementation and issue of reasoned and speaking order is Commandant Training Centre.</p> <p>In view of the above, this Execution Application has no force and it is accordingly rejected.</p> <p>Lt Gen Gyan Bhushan) Member (A) SB</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

EX.A. No. 109 of 2016 Inre O.A. No. 188 of 2015

Radha Charan

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>01.07.2016</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. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri P.K. Shukla, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>Execution Application No. 109 of 2016</u></p> <p>Heard learned counsel for the applicant and learned counsel for the respondents on this Execution Application which has been filed raising grievances that the judgment and order passed on 12.01.2016 in O.A. No. 188 of 2015 has yet not been implemented. Copy of this execution application was served on learned counsel for the respondents on 30.05.2016.</p> <p>Learned counsel for the respondents shall obtain instruction and inform the Court as to why and under what circumstances the aforesaid judgment and order has not yet been implemented.</p> <p>List this case on 22.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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>01.07.2016</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.</p> <p><u>M.A. No. 1239 of 2016</u></p> <p>This application along with better affidavit has been filed by the applicant in support of the application for condonation of delay in filing the O.A.. Copy of this application has been served on learned counsel for the respondents on 24.05.2016.</p> <p>Learned counsel for the respondents prays for and is granted three weeks' and no more time to file objection, if any.</p> <p>List this case on 11.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) Sry</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. 1309 of 2016 with M.A. No. 1310 of 2016 Inre T.A. No. 68 of 2013
Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Chandra Ballabh

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.07.2016</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 Sharm Atal, learned counsel for the applicants duly assisted by Col Kamal Singh, Departmental Representative and none for the respondent.</p> <p>Learned counsel for the applicants, on the basis of instructions received from Departmental Representative, states that this application for condonation of delay as well as application for leave to appeal be dismissed as not pressed for the reason that PPO has already been issued in compliance of judgment and order of this court, passed in T.A. No. 68 of 2013.</p> <p>Accordingly both the applications for condonation of delay and leave to appeal are hereby rejected.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 119 of 2016 with M.A. No. 1399 of 2016

Suresh Kumar Burdak

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>01.07.2016</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 Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p><u>Misc. Application No.1399 of 2016</u></p> <p>Counter affidavit filed on behalf of respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Case called out. Neither the applicant nor his counsel is present nor is there any request to pass over the case. However, in the interest of justice, the case is adjourned.</p> <p>List this case on 08.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 1018 of 2010

Dharam 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>01.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Applicant Shri Dharam Pal Singh in person and Shri Amit Jaiswal, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>A person in civil dress, claiming himself to be Dharam Pal Singh appears and states that his counsel has not come to the court and prays for adjournment.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case on 09.09.2016 for orders 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

M.A. No. 156 of 2013 with M.A. No. 210 of 2016, M.A. No. 211 of 2016 & M.A. No. 212 of 2016

Faquir Baksh 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>01.07.2016</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 A.K. Sahu, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>Learned counsel for the applicant states that he does not intend to file any replication against the objection to the application for condonation of delay filed by learned counsel for the respondents and prays that the application for condonation of delay (Misc. Application No. 631 of 2016) be listed for orders.</p> <p>Accordingly, we direct the Misc. Application No. 631 of 2016 and other pending Misc. Applications, if any pending for disposal, be listed on 16.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 150 of 2016 with M.A. No. 1246 of 2016

Chhedhi 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>01.07.2016</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 Sharma Atal, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p><u>Misc. Application No.1246 of 2016</u></p> <p>Objection vis-à-vis application for condonation of delay filed on behalf of respondents is taken on record. Copy of the same has been served on learned counsel for the applicant today in court.</p> <p>Learned counsel for the applicant prays for and is granted three weeks' time to file reply to the said objection.</p> <p>List on 19.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 83 of 2014 with M.A. No. 793 of 2016

Hav Raghvendra Kumar 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>01.07.2016</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 Adesh Kumar Gupta, learned counsel for the respondents duly assisted by Col Kamal Singh, Departmental Representative.</p> <p>Learned counsel for the applicant submits that legible copy of application No. 793 of 2016 has not been served on him. Learned counsel for the respondents asserts legible copy shall be served on the learned counsel for the applicant, during the course of the day.</p> <p>On service of legible copy, learned counsel for the applicant shall file objection, if any.</p> <p>List on 22.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 108 of 2014

Bansh Raj 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>01.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : The applicant, Bansh Raj Pal, in person and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>A person in civil dress, claiming himself to be Bansh Raj Pal appears and states that his counsel has not come to the court and prays for adjournment.</p> <p>Accordingly, the case is adjourned and it is directed to be listed on 23.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 159 of 2014

Krishna Nand 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>01.07.2016</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 Amit Jaiswal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted ten days further time to file counter affidavit.</p> <p>List this case on 01.08.2016 for orders before the court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</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. 129 of 2015 with M.A. No. 1334 of 2016

Ravi Shankar Tiwari

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>01.07.2016</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. Singh, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p><u>Misc. Application No.1334 of 2016</u></p> <p>This application has been moved on behalf of respondents in compliance of order dated 31.03.2016 disclosing the amount of disability pension being granted to the applicant after Re-survey Medical Board.</p> <p>Learned counsel for the applicant asserts that his client was being paid about Rs.24000/- as disability pension till May 2014 and this amount has been reduced to about Rs.7500/- from June 2014, but its reason has not been indicated.</p> <p>Learned counsel for the applicant is directed to file objection to the said affidavit filed by the respondents and also implead the Branch Manager, Union Bank of India, Khuthan, District Jaunpur, U.P. as respondent No. 6 in the instant Original Application.</p> <p>List this case on 19.08.2016 for orders before the 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>