

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 150 of 2016 Inre O.A. No. 247 of 2013

Sawaran 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>03.08.2016</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 Adesh Kumar Gupta, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents.</p> <p>This is an execution application filed by the applicant being aggrieved by non execution of the judgment and order dated 18.11.2015 passed in O.A. No. 247 of 2013. Copy of this application has been served on learned counsel for the respondents on 02.08.2-016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to seek instructions and file affidavit to inform the court as to why and under what circumstances, the aforesaid judgment has not been executed.</p> <p>List this case for orders on 23.09.2016 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. 1680 of 2016 with M.A. No. 1681 of 2016 Inre O.A. No. 29 of 2016

Union of India & others

Applicants

By Legal Practitioner for Applicants

Versus

Raghubir Singh

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri A.K. Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><u>M.A. No. 1680 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 10.05.2016, passed by this Court in O.A. No. 29 of 2016.</p> <p>As per stamp reporter's report, there is delay of 01 month and 20 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody</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 1681 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. 63 of 2013 Inre O.A. No. 179 of 2012

Ram Kishore Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Dr. Shailendra Sharma Atal, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri Parijaat Belaura, 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, on the basis of instructions given by Lt Priya Prasad, Departmental Representative states that necessary PPOs in pursuance of the judgment dated 07.05.2012 passed in O.A. No 179 of 2012, have been received with respect to Hony Nb Sub Ram Phal, Hony Nb Sub Pratap Singh and Hony Nb Sub Sandip Kumar Das. Learned counsel for the respondents is directed to provide copies of the same to learned counsel for the applicant within a week.</p> <p>So far other three applicants whose PPOs have not been issued are i.e. Hony Nb Sub Ram Kishor Singh, Hony Nb Sub Krishan Kumar Dubey and Hony Nb Sub Hem Raj Bhatt, a statement has been made by learned counsel for the respondents that necessary PPO will be issued within four weeks'.</p> <p>List this case for orders on 13.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 64 of 2016

Praveen 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>03.08.2016</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 Amit Jaiswal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents, on the basis of instructions given by Lt Priya Prasad, Departmental Representative, states that instructions have been received that execution of judgment and order dated 04.11.2015 passed in O.A. No. 84 of 2014 is in process.</p> <p>Since the application for leave to appeal moved by the respondents has also been rejected, learned counsel for the respondents prays for and is granted three weeks' time to fully comply the judgment and order passed by this court.</p> <p>List this case for orders on 26.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1933 of 2015 with M.A. No. 2174 of 2015

Jagpat 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>03.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he will be filing better affidavit in the registry during the course of day. He has served copy of better affidavit on learned counsel for the respondents today, in the court.</p> <p>List this case for orders on 23.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 826 of 2016 Inre O.A. No. Nil of 2016

Kishan 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>03.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicant and Dr. Shesh Narain Pandey, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents states that further four weeks' and no more time be granted to him to file objection on the application for condonation of delay.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 14.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1117 of 2016

Sudhir 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>03.08.2016</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 Satyendra Mishra, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>This is an application for condonation of delay in filing the O.A. It has been pointed out by the learned counsel for the respondents that affidavit filed in support of the application for condonation of delay is casual and not properly drafted. We have also gone through the application and found that affidavit filed by learned counsel for the applicant for condonation of delay is casual in nature.</p> <p>Accordingly, this application is rejected.</p> <p>Learned counsel for the applicant submits that he may be granted two weeks' time to file better affidavit in support of the application for condonation of delay.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 15.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 470 of 2012

Naseebul Hasan Syed

By Legal Practitioner for Applicant

Applicant

Versus

Chief of Army Staff & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Maj R.D. Singh (Retd), learned counsel for the applicant and Shri Ashish Saxena, learned counsel for the respondents.</p> <p><u>M.A. No. 1468 of 2016</u></p> <p>This is an amendment application filed by the learned counsel for the applicant. Copy of this application has been served on learned counsel for the respondents on 12.07.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file objection, if any.</p> <p>List this case for orders on 16.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 287 of 2015

Om Prakash Ram 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>03.08.2016</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 Chand Sahu, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on the question of admission of this O.A. which has been preferred with the prayer for grant of disability pension and to set aside the order of first and second appeal.</p> <p>It is submitted by the learned counsel for the applicant that the disability of the applicant was assessed as 30% by the medical board but it was considered as neither attributable to nor aggravated by Air Force service.</p> <p>Learned counsel for the applicant submits that this order is not justifiable and the applicant is entitled disability pension for the reason that at the time to enrolment in the Air Force, no disease was found. On this ground, we admit the O.A.</p> <p>Counter and rejoinder affidavits have already been exchanged.</p> <p>List this case for hearing on 01.09.2016 before 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 Bench.</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. 291 of 2015 with M.A. No. 676 of 2016

Hari 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>03.08.2016</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, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he has received copy of counter affidavit filed by learned counsel for the respondents. He prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p>List this case for orders on 19.09.2016 before court concerned having jurisdiction as per roster of that day showing the name of Shri O.P. Kushwaha too, as learned counsel for the applicant.</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. 357 of 2015

L.N. Rathore
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri K.K. Singh Bisht holding brief of Shri V.A. Singh, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>On call of the case Shri K.K. Singh Bisht states that Shri V.A. Singh has not come to the court today since he is not well and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 20.09.2016 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. 82 of 2016

Shailendra Kumar Yadav

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the respondents prays for and is granted further a week's time to file counter affidavit.</p> <p>List this case for orders on 10.08.2016 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

T.A. No. 26 of 2012

Rajbir Singh

In person

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.08.2016</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 Y.R. Sharma (Retd), learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>On call of the case Col Y.R. Sharma (Retd) states that he will be filing vakalatnama on behalf of applicant in the registry during the course of the day.</p> <p>If the power is filed, list this case for orders on 05.09.2016 before court concerned having jurisdiction as per roster of that day showing the name of Col Y.R. Sharma (Retd), as learned counsel for the applicant and Shri Amit Jaiswal as learned counsel for the respondents.</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. 36 of 2012

Rajendra 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>03.08.2016</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. Sharma, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he is not aware whether this O.A. is admitted or not. He states that he will go through the file to ascertain the fact about admission.</p> <p>List this case for orders on 29.08.2016 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

M.A. No. 1654 of 2016 Inre O.A. No. Nil of 2016

Deepak

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

02.08.2016

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

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

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.

Present : None for the applicant whereas Dr. Shailendra Sharma Atal, learned counsel for the respondents.

On call of the case no one appears for the applicant. However, in the interest of justice, the case is adjourned.

List this case for orders on **24.08.2016** before court concerned having jurisdiction as per roster of that day.

(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. 1659 of 2016 Inre O.A. No. Nil of 2016

Satyapal 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

02.08.2016

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

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

Memo of appearance filed by Shri Anurag Mishra, on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.

Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.

This is an application for condonation of delay in filing the O.A. which relates to prayer having been made for grant of disability pension. As per office report, it is delayed by 5 years, 2 months and 19 days in filing the O.A. Copy of this application has been served on learned counsel for the respondents on 21.07.2016.

Learned counsel for the respondents prays for and is granted three weeks' time to file objection on the application for condonation of delay.

List this case for orders on **14.09.2016** before court concerned having jurisdiction as per roster of that day.

(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. 1663 of 2016

J.P. Ahlawat

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

02.08.2016

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

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

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.

Present : Col Y.R. Sharma (Retd), learned counsel for the applicant and Mrs Deepti Prasad Bajpai, learned counsel for the respondents.

This is an application for condonation of delay in filing the O.A. which relates to prayer having been made for grant of disability pension. As per office report, it is delay by 6 years and 9 months in filing the O.A. Copy of this application has been served on learned counsel for the respondents on 29.07.2016.

Learned counsel for the respondents prays for and is granted three weeks' time to file objection on the application for condonation of delay.

List this case for orders on **09.09.2016** before court concerned having jurisdiction as per roster of that day.

(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. 35 of 2013 Inre O.A. No. 77 of 2011

Karan Singh

By Legal Practitioner for Applicant

Applicant

Versus

OIC Records & Others

By Legal Practitioner for Respondents

Respondents

**Notes of the
Registry**

Orders of the Tribunal

02.08.2016

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

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

Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri A.K. Sahu, learned counsel for the respondents.

This execution application is of the year 2013 with respect to non compliance of judgment and order dated 06.12.2012 passed in O.A. No 77 of 2011 which has not yet been complied with. It is sad part of affair that judgment has not yet been complied with. As usual, learned counsel for the respondents prays that some more time be granted to him to file affidavit to the effect that aforesaid judgment has been fully complied with.

As a matter of last opportunity four weeks' and no more time is granted to learned counsel for the respondents to file compliance report with a caution to the respondents to be prepared to bear heavy cost on the next date, if the judgment is not complied with.

List this case for orders on **22.09.2016** before court concerned having jurisdiction as per roster of that day.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

ukt

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 365 of 2016 with M.A. No. 1000 of 2016

P.K. Tewari

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

02.08.2016

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

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

Present : Shri K.K. Singh Bisht, holding brief of Shri V.A. Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.

On call of the case, Shri K.K. Singh Bisht states that Shri Virat Anand Singh has not come to the court and prays for adjournment of the case.

Accordingly, the case is adjourned.

List this case for orders on **15.09.2016** before court concerned having jurisdiction as per roster of that day.

(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. 821 of 2016 with M.A. No. 1616 of 2016 Inre O.A. No. Nil of 2016
B.S. Rawat
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>02.08.2016</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 states that he has received copy of objection on application for condonation of delay filed by learned counsel for the respondents. He prays for and is granted two weeks' time to file replication of the same.</p> <p>List this case for orders on 06.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1040 of 2016

Rajendra Prasad Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2016</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. Shesh Narain 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 : None for the applicant whereas Dr. Shesh Narain Pandey, learned counsel for the respondents.</p> <p>On call of the case, no one appears for the applicant. However, in the interest of justice, the case is adjourned.</p> <p>List this case for orders on 16.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1188 of 2016 with M.A. No. 1662 of 2016

Mahesh Chandra Singh Bisht

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>02.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Memo of appearance filed by Mohd Zafar Khan on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Mohd Zafar Khan learned counsel for the respondents.</p> <p><u>M.A. No. 1662 of 2016</u></p> <p>Objection on the application for condonation of delay, filed by the learned counsel for the respondents is taken on record.</p> <p>Learned counsel for the applicant states that he has received the copy of the objection. He prays for and is granted two weeks' time to file replication for the same.</p> <p>List this case for orders on 07.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

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>02.08.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the applicant submits that he will file the copy of letter pertaining to rejection of disability pension today, in the Registry. If the copy of the same is supplied to the learned counsel for the respondents, he may file objections, if any, within three weeks.</p> <p>List this case for orders on 08.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 243 of 2015

Babu Ram

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>02.08.2016</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 Anurag Mishra, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he is not feeling well and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for hearing on 16.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>Learned counsel for the respondents shall retain original documents pertaining to the case and produce the same before the court, on the date fixed.</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

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>02.08.2016</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 states that since typed copy of the amended petition is to be filed by him, he may be granted further two weeks' time to file the same.</p> <p>Time prayed for is granted.</p> <p>List this case for hearing on 24.08.2016 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

M.A. No. 1647 of 2016 with M.A. No. 1648 of 2016 Inre O.A. No. 198 of 2014
Union of India & Others
By Legal Practitioner for Applicants

Applicants

Versus

Paras Nath Tiwari
By Legal Practitioner for Respondent

Respondent

Notes of the Registry	Orders of the Tribunal

01.08.2016

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

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

Present : Shri Bhanu Pratap Singh, learned counsel for the applicant and none for the respondents.

M.A. No. 1647 of 2016

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 15.09.2015, passed by this Court in O.A. No. 198 of 2014.

As per stamp reporter's report, there is delay of 09 months and 11 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 are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in **Office of the Chief Post Master General and others vs Living Media India Ltd and another** reported in **2012 STPL (LE) 46200 SC** in which the Hon'ble Supreme Court has observed as under:

“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.”

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 1648 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. 1147 of 2016 with M.A. No. 1431 of 2016

Manoj Kumar Pandey

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the

Orders of the Tribunal

Registry	
	<p><u>01.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he has received copy of objection on application for condonation of delay. He prays for and is granted two weeks' time to file replication to the objection for condonation of delay.</p> <p>List this case 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

M.A. No. 1148 of 2016 with M.A. No. 1493 of 2016

Ajay 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>01.08.2016</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 Ashish Kumar Singh, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that he has received copy of objection on application for condonation of delay. He prays for and is granted two weeks' time to file replication to the objection for condonation of delay.</p> <p>List this case 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)</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

M.A. No. 1149 of 2016

Harendra 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 data-bbox="391 209 553 249"><u>01.08.2016</u></p> <p data-bbox="391 252 1105 292"><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></p> <p data-bbox="391 292 1057 333"><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p data-bbox="391 360 1395 459">Present : Shri R. Chandra, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p data-bbox="391 481 1395 639">On call of the case, learned counsel for the respondents states that he may be granted two weeks' further time to file objection on application for condonation of delay.</p> <p data-bbox="461 661 841 701">Time prayed for is granted.</p> <p data-bbox="391 723 1395 822">List this case for orders on 16.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p data-bbox="391 956 737 1037">(Lt Gen Gyan Bhushan) Member (A)</p> <p data-bbox="1052 956 1382 1037">(Justice Abdul Mateen) Member (J)</p> <p data-bbox="391 1037 423 1064">ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1294 of 2016 Inre O.A. No. Nil of 2016

Akhilesh 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>01.08.2016</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 Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents states that he may be granted further two weeks' and no more time to file objection on application for condonation of delay.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 01.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1640 of 2016 with M.A. No. 1641 of 2016 Inre T.A. No. 39 of 2013
Union of India & Others Applicants
By Legal Practitioner for Applicants

Versus

Chandan Singh Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>01.08.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Shri Namit Sharma, learned counsel for the applicant and none for the respondents.</p> <p><u>M.A. No. 1640 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 18.02.2016, passed by this Court in T.A. No. 39 of 2013.</p> <p>As per stamp reporter's report, there is delay of 04 months and 08 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p> <p>The Hon'ble Supreme Court further observed as under :</p> <p><i>“Since the person(s) concerned were well aware or conversant with the</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 1641 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

O.A. No. 154 of 2012

Lalan 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>01.08.2016</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 Mohit Tiwari, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents and Shri Vinay Shankar learned counsel for Respondent No 4.</p> <p>On call of the case, Shri Amit Srivastava, Branch Manager, Bank of Baroda, Chaure Bazar, Faizabad, appears and states that counter affidavit is ready but not filed and also now no deduction is being made from the revised PPO issued in the year 2006. He submits that emoluments as per revised PPO are being paid.</p> <p>He prays for and is granted four week's time to file affidavit as to why and under which authority amount mentioned in the revised PPO had been deducted.</p> <p>List this case for orders on 02.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</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 with M.A. No. 1626 of 2016

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>01.08.2016</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 whereas Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>M.A. No. 1626 of 2016</u></p> <p>Counter affidavit filed by the learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>On call of the case, learned counsel for the applicant is not present. Accordingly, the case is adjourned.</p> <p>On the date fixed, learned counsel for the applicant may file rejoinder affidavit, if any, if he so desires.</p> <p>List this case for orders on 09.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 17 of 2012

Jai Ram Pal
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>01.08.2016</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 Harshvardhan Singh, holding brief of 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, Shri Harshvardhan Singh appears and states that Shri P.K. Shukla has not come to the court today and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 13.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

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>01.08.2016</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 call of the case, learned counsel for the respondents states that he wants to go through some documents and prays for adjournment of the case.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for hearing on 23.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 210 of 2015

Akil Ahmed Ansari
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>01.08.2016</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 Sidharth Dhaon, learned counsel for the respondents.</p> <p>Heard learned counsel for parties at length.</p> <p>Argument 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. 5 of 2013

Smt. Chandra Kali
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>01.08.2016</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 Sunil Sharma, learned counsel for the respondents.</p> <p>Shri Ved Mani Tiwari has filed memo of appearance on behalf of Respondent No 4 on 24.02.2015 but he is not present in the court.</p> <p>List this case on 05.09.2016 for admission before court concerned having jurisdiction as per roster of that day showing the name of Shri Ved Mani Tiwari as counsel for Respondent No 4.</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. 1643 of 2016 Inre O.A. No. Nil of 2016

Kundan 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

29.07.2016

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

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

Memo of appearance filed by Shri Virendra Singh on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.

Present : Shri R. Chandra, learned counsel for the applicant and Shri Virendra Singh, learned counsel for the respondents.

M.A. No. 1643 of 2016

This is an application for condonation of delay in filing the O.A. which relates to grant of disability pension to the applicant. As per office report, there is delay of 07 years, 02 months and 24 days in filing the O.A. Copy of this application has been served on learned counsel for the respondents on 27.07.2016.

Learned counsel for the respondents prays for and is granted four weeks' time to file objection to the application for condonation of delay, if any.

List this case for orders on **14.09.2016** before court concerned having jurisdiction as per roster of that day.

(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. 44 of 2015 Inre O.A. No. 54 of 2013

Ram Shiromani Kanyakubja
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
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29.07.2016

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

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

Present : Shri P.K. Shukla, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative for the respondents.

Heard learned counsel for the applicant on this execution application which has been filed by the applicant for non implementation of judgment and order dated 21.02.2013 passed in O.A. 54 of 2013.

This court on 21.02.2013 while allowing the O.A. filed by the applicant directed the respondents to release the entitled pension with arrears to the applicant with effect from 01.01.2006 within three months from the date of receipt of certified copy of the order.

It is a sad part of affair on part of the respondents that inspite of providing three months time, the judgment and order has not yet been implemented, hence this execution application has been filed by the applicant on 30.11.2015. Since that time various dates have been granted to the respondents to implement the aforesaid judgment but respondents have not yet implemented the judgment. As usual, today learned counsel for the respondents again submits that the matter is in process.

Let notice be issued to OIC Record Office Bengal Engineer Group, Roorkee and dealing officer from PCDA (P) Allahabad directing them to appear in the court on the date fixed to show cause as to why judgment of this court has not been implemented and why heavy cost not be imposed which be deducted from their salary for not implementing the judgment and order of this court as also as to why contempt proceedings not be initiated against them under Section 19 of the AFT Act, 2007.

List this case for orders on **17.08.2016** before court concerned having jurisdiction as per roster of that day.

(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. 84 of 2016 with M.A. No. 1595 of 2016 Inre O.A. No. 255 of 2014

Shital Prasad

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the

Orders of the Tribunal

Registry	<p><u>29.07.2016</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.N. Tripathi, learned counsel for the respondents.</p> <p>On call of the case, learned for the applicant states that in the present execution application, in compliance of the judgment and order dated 24.09.2015 passed in O.A. No. 255 of 2014, necessary PPO has been issued with respect to enhanced disability pension along with arrears to the applicant. As such, this execution application has been rendered infructuous.</p> <p>Accordingly, this execution application is dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>
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Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Ex.A. No. 85 of 2016 Inre T.A. No. 1048 of 2010

Satnam 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>29.07.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative.</p> <p>Heard learned counsel for the parties on this execution application which has been preferred by the applicant for non execution of judgment and order dated 22.09.2015 passed in T.A. No. 1048 of 2010. In spite of lapse of stipulated time the judgment and order has not yet been complied with, the applicant has filed this execution application.</p> <p>Learned counsel for the respondents, on the basis of instructions, received, informed the court that the matter is in process and prays for further four weeks time for implementation of the judgment.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 30.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>It is clarified that if the judgment of this court is not implemented within one month, the respondents shall be ready to bear heavy cost and also to face contempt proceedings against them under section 19 of AFT Act 2007.</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. 17 of 2016 with M.A. No. 1335 of 2016

Smt. Bhagwan 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>29.07.2016</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 Ashish Kumar Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on the application for condonation of delay in filing the O.A. which as per office report is delayed by about 41 years. Objections have been filed by the learned counsel for the respondents vide M.A. No. 226 of 2016 and replication thereon has been filed by learned counsel for the applicant vide M.A. No. 17 of 2016.</p> <p>This original application has been filed with the prayer that the respondents be directed to grant 40% disability pension to the widow of late Sep Jagvir Singh and also for release of arrears of disability pension as applicable to the applicant. Learned counsel for the applicant has brought before the court the judgment of Hon'ble Apex Court reported in the case of Balakrishanan A.P. Wagnare vs. Dhaneshwar Maharaj Sansthan (AIR 1959 SC 798). Since the prayer has been made by the widow of the army personal with respect to grant of disability pension for which her husband was entitled to, looking at overall circumstances and facts of the case, we condone the delay and allow the O.A.</p> <p>The objections raised by the respondents are hereby rejected.</p> <p>We direct the office to register the O.A.</p> <p>Learned counsel for the respondents may file objection within four weeks, if any.</p> <p>List this case for admission on 01.09.2016 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. 252 of 2016 with M.A. No. 1248 of 2016 Inre O.A. No. Nil of 2016
Gun Bahadur 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>29.07.2016</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 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. 252 of 2016</u></p> <p>Heard learned counsel for the parties on this application which has been filed by the applicant for condoning the delay in filing the O.A. which relates to prayer having been made for rounding off of disability pension from 40% to 50% w.e.f. 01.11.2001 and interest thereon.</p> <p>As per office report, this is delay of 13 years, 09 months and 06 days in filing the O.A. We have gone through the objections raised by the learned counsel for the respondents on the application for condonation of delay. The matter pertains to broad banding of disability percentage from 40 to 50%.</p> <p>It is well settled proposition of law that pension is recurring cause of action and applicant has preferred this petition for rounding off of disability pension.</p> <p>In view of the judgment of Hon'be Apex Court in the case of K.J.S. Bhuttar Vs. Union of India and another and Union of India & Others Vs Ram Avtar, we allow the O.A. and condone the delay.</p> <p>The objections raised by the respondents are hereby rejected.</p> <p>We direct the office to register the O.A.</p> <p>Learned counsel for the respondents may file objection within four weeks, if any.</p> <p>List this case for admission on 31.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 264 of 2016 with M.A. No. 670 of 2016

Om Prakash Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.07.2016</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 Singh, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondent.</p> <p>Learned counsel for the applicant submitted that this O.A. was preferred for quashing of impugned order dated 01.12.2014 passed by OIC Records Jat Regiment which relates to grant of disability pension against which applicant had preferred first appeal to the authority concerned, which has now been rejected on 13.01.2016. Learned counsel for the applicant further states that he has already preferred second appeal on 30.06.2016 as such this petition has become infructuous and be dismissed.</p> <p>Since this petition has lost its efficacy due to rejection of first appeal and also filing of 2nd statutory appeal, this petition has become infructuous.</p> <p>Accordingly this application is dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 453 of 2016 with M.A. No. 1031 of 2016, M.A. No. 1190 of 2016, M.A. No. 1592 of 2016 & M.A. No. 1645 of 2016

Meraj Ahmed Khan

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.07.2016</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 A.K. Srivastava (Retd), learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p><u>M.A. No. 453 of 2016</u></p> <p>This is an application for condonation of delay in filing O. A. by the applicant wherein relief has been claimed to give benefits of broad banding of disability pension as provided by Govt. of India, Ministry of Defence letter dated 31.01.2001.</p> <p>As per office report there is delay of 11 years 5 months and 23 days in filing the O.A. We have also seen the objections raised by the respondents vide M.A. No 1592 of 2016 and M.A. No 1031 of 2016 respectively.</p> <p>It is well settled proposition of law that pensionary benefits are recurring cause of action and applicant has preferred this petition for rounding off of disability pension.</p> <p>In view of the judgment of Hon'be Apex Court in the case of K.J.S. Bhuttar Vs. Union of India and another and Union of India & Others Vs Ram Avtar, we allow the O.A. and condone the delay. The objections raised by the respondents are hereby rejected.</p> <p>We direct the office to register the O.A.</p> <p>Learned counsel for the respondents may file objection within four weeks, if any.</p> <p>List this case for admission on 02.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1**M.A. No. 1164 of 2016 with M.A. No. 1512 of 2016****Rashid Ahmed Khan**

Applicant

By Legal Practitioner for Applicant

Notes of the Registry	Orders of the Tribunal
	<p><u>29.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Maj R.D. Singh (Retd), learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 1164 of 2016</u></p> <p>Heard learned counsel for the parties on this application which has been filed by the applicant for condoning the delay in filing the O.A. which relates to prayer having been made for rounding off of disability pension from 30% to 50% for life and arrears accrued thereon from the date of retirement i.e. 01.08.2013.</p> <p>As per office report there is delay of 2 years and 3 months in filing the O.A.</p> <p>It is well settled proposition of law that pension is recurring cause of action and applicant has preferred this petition for rounding off of disability pension as such there is no delay.</p> <p>In view of the judgment of Hon'be Apex Court in the case of K.J.S. Bhuttar Vs. Union of India and another and Union of India & Others Vs Ram Avtar, we allow the O.A. and condone the delay.</p> <p>The objections raised by the respondents are hereby rejected.</p> <p>We direct the office to register the O.A.</p> <p>Learned counsel for the respondents may file objection within four weeks, if any.</p> <p>List this case for admission on 05.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

O.A. No. 5 of 2016 with M.A. No. 962 of 2016

Bijay 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>29.07.2016</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 A.K. Sahu, learned counsel for the respondents.</p> <p>Case called out. No one appears for the applicant rather a request has been made by Col (Retd) A.K. Srivastava that Shri P.N. Chaturvedi is busy in other court and prays for adjournment of the case.</p> <p>It is seen from the order sheets that earlier also time for filing of rejoinder affidavit was granted to learned counsel for the applicant but he has not filed the same.</p> <p>As prayed three weeks' further time is granted to file rejoinder affidavit.</p> <p>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. 85 of 2016 with M.A. No. 1525 of 2016

Mahendra 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>29.07.2016</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.</p> <p>Heard learned counsel for the parties and Shri A.K. Srivastava, learned counsel for the respondent No 4.</p> <p>We have gone through the objection raised by learned counsel A.K. Srivastava vide M.A. No 1525 of 2016. He states that the matter relates to Army Group Insurance Fund (AGIF) which is not subject matter of this court, and he further states that this petition is not maintainable at this court. He has indicated in his affidavit that Chandigarh Bench had admitted petition of AGIF for which leave to appeal has been filed and SLP No 35935 of 2015 has been preferred before Hon'ble Apex Court on 26.10.2015. The said appeal has been admitted on 16.11.2015 which is pending. Copy of the order has been annexed as Annexure No R 4/3. This court shall await outcome of the same.</p> <p>Since the matter relates to maintainability of case pertaining to AGIF, we shall wait for any order from Hon'ble Apex Court.</p> <p>List this case on 20.10.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>On the date fixed, learned counsel for the parties shall inform the court outcome of SLP pending before the Apex 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

T.A. No. 26 of 2013

Rajendra 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>29.07.2016</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 Sunil Sharma, learned counsel for the respondents.</p> <p>The address of widow Smt. Sunita Devi wife of late Rajendra Singh is "Village & Post – Kaimthal, Tehsil – Iglas, District – Aligarh (U.P.)</p> <p>Let a fresh notice be issued to her indicating that case filed by her (late) husband is pending before this court and the date is fixed on 08.09.2016.</p> <p>If she intends to attend the case, she may appear and implead herself on behalf of her (late) husband and engage some lawyer for completing necessary formalities otherwise the case will be decided in absentia.</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)</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. 225 of 2011

Shankar Datt Upadhyay

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>29.07.2016</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 Abhinav Singh, 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 appears and states that due to certain reasons original record pertaining to case which was directed to be produced vide order dated 18.05.2016 has not reached. He prays for four weeks' further time to produce the record. Time prayed for is granted.</p> <p>List this case on 02.09.2016 for hearing before court concerned having jurisdiction as per roster of that day.</p> <p>On the date fixed, learned counsel for the respondents shall produce the original record pertaining to case for perusal of the court.</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. 253 of 2014

Ganesh 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>29.07.2016</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>Heard learned counsel for the parties at length.</p> <p>As requested by learned counsel for the applicant, list this case on 23.08.2016 for hearing 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

M.A. No. 1625 of 2016 Inre O.A. No. Nil of 2016

Ravindra Singh Dagar
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>28.07.2016</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 Ashish Saxena 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 K.K. Mishra, learned counsel for the applicant and Shri Ashish Saxena, learned counsel for the respondents.</p> <p>This is an application for condonation of delay in filing the O.A. which relates to grant of disability pension to the applicant. As per office report, there is delay of 08 years, 06 months and 25 days in filing the O.A. Copy of this application has been served on learned counsel for the respondents on 26.07.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection to the application for condonation of delay, if any.</p> <p>List this case for orders on 20.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Vijay Kumar Rathi
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>28.07.2016</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, holding brief of Shri Rohit Kumar, 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, on the basis of instructions, states that judgment under execution passed in T.A. No. 1188 of 2010 on 23.09.2015 whereby it was directed that the applicant be granted disability pension @ 20% for 2 years and Review Medical Board for reassessing the medical condition of the applicant for further entitlement of disability pension be carried out, has already been complied with. Necessary PPO has been issued and the case has been referred to Comdt Base Hospital Delhi Cantt for reassessing the medical condition of the applicant. Copy of the PPO and letter dated 30.06.2016 is placed on record.</p> <p>Since the judgment and order of this Tribunal has been fully complied with, this execution application has become infructuous and accordingly, it is disposed of.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

EX.A. No. 63 of 2016 Inre T.A. No. 837 of 2010

Dinesh Singh Kushwaha
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.07.2016</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 Md Zafar Khan learned counsel for the respondents.</p> <p>This execution application has been preferred by the applicant with the grievance that judgment and order dated 01.10.2015 passed in T.A. No. 837 of 2010 has not been complied with.</p> <p>Learned counsel for the respondents has placed before the Court a letter and submitted that this letter was sent to the applicant on his address but at present the individual is not residing there. Learned counsel for the respondents states that he will supply the copy of this letter to learned counsel for the applicant during the course of day.</p> <p>Learned counsel for the applicant is directed to seek instructions from his client to complete necessary formalities, as asked vide this letter, for execution of the aforesaid judgment at an early date.</p> <p>List this case for orders on 22.09.2016 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

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

Naresh Chandra Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.07.2016</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 Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this execution application which has been preferred by the applicant for non execution of judgment and order dated 07.04.2015 passed in T.A. No. 966 of 2010. We had directed the respondents on 02.05.2016 to obtain instructions from the authority concerned and apprise this court as to why aforesaid judgment and order has not been complied with.</p> <p>Learned counsel for the respondents has informed that necessary Govt. sanction has already been issued and the implementation is in process.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file full compliance report. It is clarified that if the aforesaid judgment is not complied with by the date fixed, the respondents shall be ready to bear a heavy cost.</p> <p>List this case for orders on 21.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Greesh 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>28.07.2016</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 Shri Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this execution application. Learned counsel for the respondents on the basis of the instructions, submits that judgment and order dated 12.01.2016 passed in O.A. No. 33 of 2014 is under process and prays that four weeks' time be granted to him to comply with the judgment and order.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 23.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>It is clarified that if the aforesaid judgment is not complied with by the date fixed, the respondents shall be ready to bear a heavy cost.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Kundan Singh Bhandari
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>28.07.2016</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 respondents states that objection on application for condonation of delay is ready and he will be filing the same during the course of day.</p> <p>Learned counsel for the applicant states that if the copy of the objection is served upon him, he will file replication of the same within two weeks.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on 21.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

M.A. No. 20 of 2016 with M.A. No. 1207 of 2016

Smt. Shanti Devi

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>28.07.2016</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 Namit Sharma, learned counsel for the respondent.</p> <p>On call of the case, learned counsel for the applicant states that he intends to withdraw this O.A. along with M.A. No. 1207 of 2016 and prays that he be granted liberty to file a fresh.</p> <p>As prayed, M.A. No. 20 of 2016 along with M.A. No. 1207 of 2016 are dismissed as withdrawn with liberty to the applicant to file a fresh, if he so desires.</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

Uma Shankar
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>28.07.2016</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 Arun Kumar, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' further time to file replication to the application for condonation of delay.</p> <p>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)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Vijay Shankar 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>28.07.2016</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 Arun Kumar, holding brief of Shri K.M. Srivastava, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>Shri Arun Kumar prays for and is granted four weeks' further time to file replication to the application for condonation of delay.</p> <p>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)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Lalan 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>28.07.2016</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 Mohit Tiwari, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>On call of the case, Shri Nikhil Srivastava appears and states that his senior Shri Vinay Shankar is not available today and prays that matter be taken on Monday.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case on 01.08.2016 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>

O.A. No. 242 of 2015 with M.A. No. 251 of 2016

Smt. Krishna Kumari Ale
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>28.07.2016</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 Dwijendra Mishra, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p>It comes out from the order sheet that application for condonation of delay in filing the O.A. was filed vide M.A. No 629 of 2015 and learned counsel for the respondents has filed objection on application for condonation of delay vide M.A. No 1612 of 2015. The delay was condoned on 14.09.2015 and the petition has already been admitted on 29.09.2015. Counter affidavit has already been filed with the O.A. vide M.A. No 1944 of 2015 which is on record.</p> <p>Learned counsel for the applicant submits that he has not received the copy of counter affidavit. Learned counsel for the respondents is directed to supply copy of counter affidavit to learned counsel for the applicant within a week.</p> <p>Let the rejoinder affidavit be filed by learned counsel for the applicant within three weeks'.</p> <p>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

Abhilakh 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>28.07.2016</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.G. Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents states that a week's further time and no more be granted to him to file counter affidavit.</p> <p>Time prayed for is granted.</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)</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. 42 of 2016

Girish Chandra

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>28.07.2016</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 Veer Raghav Chaubey, 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 states that further ten days and no more time be granted to him to file counter affidavit.</p> <p>Time prayed for is granted.</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

O.A. No. 103 of 2016 with M.A. No. 1316 of 2016

Chandra Bhan

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>28.07.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present : Ms. Pushpila Bisht & Ms. Mayuri Sajwan, 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 prays that as a matter of last opportunity two weeks' and no more time be granted to him to file counter affidavit.</p> <p>Time prayed for is granted.</p> <p>List this case on 13.09.2016 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

O.A. No. 262 of 2012

Mahesh Singh @ Shyam
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>28.07.2016</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 D.K. Pandey, learned counsel for the respondents.</p> <p>Learned counsel for the applicant is not aware as to when and on what date this O.A. was admitted. He may go through the file and inform the court about admission of the case on the next date.</p> <p>We also do not find any record whether this case is admitted or not.</p> <p>List this case on 12.08.2016 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

O.A. No. 240 of 2015 with M.A. No. 1179 of 2016

Vijay 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>28.07.2016</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 B.P. Singh (Retd), learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents.</p> <p><u>M.A. No. 1179 of 2016</u></p> <p>Supplementary counter affidavit filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Heard learned counsel for the parties on this application which relates to relief for grant of disability pension. While going through the record, we find that there is no whisper, whether the applicant has availed alternative remedy of his first and second appeal.</p> <p>On the date fixed, learned counsel for the applicant shall inform the court whether he has filed any appeal or not.</p> <p>Learned counsel for the respondents shall also find out whether any appeal was filed and that in case it was filed, what is the status? Let instructions be obtained from the authority concerned with regard to duration of disability for which four weeks' time is granted. Original documents will be produced on the next date.</p> <p>List this case on 19.08.2016 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

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>27.07.2016</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 : Shri V.K. Pandey, learned counsel for the applicant and Shri Sidharth Dhaon, learned counsel for the respondents.</p> <p>This is an application for condonation of delay in filing the O.A. which as per office report is delayed by 10 years and 23 days. Copy of this application has been served on learned counsel for the respondents on 21.07.2016.</p> <p>Learned counsel for the respondents prays for and is granted three weeks' time to file objection to the application for condonation of delay, if any.</p> <p>List this case for orders on 19.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

EX.A. No. 69 of 2016 Inre O.A. No. 337 of 2013

Ram Asis

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.07.2016</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>Case called out. No one appears for the applicant. A request has been made by Shri D.S. Tiwari, Secretary, AFT Bar Association that Shri R. Chandra is busy in other court and prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case for orders on 21.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Smt. Aruna 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>27.07.2016</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 A.N. Tripathi, learned counsel for the respondents.</p> <p>The case called out, no one appears for the applicant. On 02.05.2016 order was passed by this court that the order dated 20.10.2015 directing the respondents to dispose of the representation of the applicant dated 23.09.2015 within a period of four months but the same has not yet been disposed of.</p> <p>Learned counsel for the respondents has filed letter by which the representation of the applicant has been decided by Wg Cdr HP Vaswan, JD AV-III (FP). Copy of the disposal letter is taken on record.</p> <p>Since the representation of the applicant has been decided, this application has no force and accordingly, it is dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A) SB</p> <p>(Justice Abdul Mateen) Member (J)</p>

Ex.A. No. 144 of 2016 Inre O.A. No. 285 of 2011

Shri Bhagwan 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>27.07.2016</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. Chet Narayan Singh 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 Umesh Singh, learned counsel for the applicant and Dr. Chet Narayan Singh, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this execution application. This is an application for execution of judgment and order of this court passed in O.A. No. 285 of 2011 on 10.09.2015 which has not yet been executed and complied with. Thus, this execution application has seen the light of the day. Copy of this application has been served on learned counsel for the respondents on 25.07.2016.</p> <p>Learned counsel for the respondents is directed to obtain instruction from the authority concerned and file affidavit within two weeks indicating therein why the aforesaid judgment has not yet been complied with.</p> <p>List this case for orders on 23.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

M.A. No. 1597 of 2016 with M.A. No. 1598 of 2016 Inre T.A. No. 08 of 2014

Union of India & others

Applicants

By Legal Practitioner for Applicants

Versus

Ajay Singh Rana

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>27.07.2016</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 Bhanu Pratap Singh, learned counsel for the applicants and none for the respondents.</p> <p><u>M.A. No. 1597 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 09.02.2016, passed by this Court in T.A. No. 08 of 2014.</p> <p>As per stamp reporter's report, there is delay of 04 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 <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 are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p> <p>The Hon'ble Supreme Court further observed as under :</p> <p><i>“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court</i></p>

proceedings”.

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

M.A. No 1598 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

M.A. No. 1604 of 2016 with M.A. No. 1605 of 2016 Inre T.A. No. 1285 of 2010
Rakesh 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>27.07.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, no one appears for the applicant. Shri D.S. Tiwari, Secretary, AFT Bar Association appears and prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case for orders on 16.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A. No. 1606 of 2016 with M.A. No. 1607 of 2016 Inre T.A. No. 59 of 2013
Union of India & others Applicants
By Legal Practitioner for Applicants

Versus

Shyam Babu Respondent
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>27.07.2016</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 Namit Sharma, learned counsel for the applicants and none for the respondent.</p> <p><u>M.A. No. 1606 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 22.09.2015, passed by this Court in T.A. No. 59 of 2013.</p> <p>As per stamp reporter’s report, there is delay of 09 months and 02 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon’ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal are general in nature and do not appear to be germane in view of the law laid down by the Hon’ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon’ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p> <p>The Hon’ble Supreme Court further observed as under :</p> <p><i>“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court</i></p>

proceedings”.

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

M.A. No 1607 of 2016

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

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

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

ukt

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Balwant 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>27.07.2016</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 Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>This execution application has been filed by the applicant because of non implementation of judgment and order dated 07.09.2015 passed in O.A. No. 221 of 2010 directing the respondents to pay disability pension @ 40% for two years and to carry out Re-survey Medical Board within three months to reassess the medical condition of the applicant. In spite of elapse of ten months period, the aforesaid judgment and order has not been complied with.</p> <p>On the last date i.e. 18.04.2016 learned counsel for the respondents had submitted, on the basis on instructions, that the matter was under process and had prayed for 10 days time to get the judgment implemented.</p> <p>On 02.05.2016 this court again had granted four weeks' further time to seek instructions and apprise the court about the details.</p> <p>Today, on call of the case, learned counsel for the respondents again submits that government sanction is still awaited and that the case is pending with PS Directorate, Integrated HQ of MoD (Army), New Delhi.</p> <p>It is a sad affair on the part of respondents in dealing the matter with regard to the payment of disability pension to Armed Forces personnel. Accordingly, we impose a cost of Rs. 10,000/- on the respondents to be deposited in the Registry within two weeks failing which the respondents shall be ready to bear more heavy cost and also to face contempt proceedings under Section 19 of AFT Act 2007.</p> <p>List this case on 19.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>In case the judgment and order of this court is not complied with by the date fixed, DDG PS, Integrated HQ of MoD (Army) shall remain present in the court to clarify his position as to why the order has not been complied with.</p> <p>Let a copy of this order be provided to the learned counsel for the respondents, free of cost.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 602 of 2014

Rajendra 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>27.07.2016</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 Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>The office report dated 27.04.2016 indicates that notice issued to the applicant has not yet been received back served or un-served.</p> <p>Registry is directed to take information from the Post Office concerned within a month whether the notice issued to the applicant has been served or not.</p> <p>List this case on 26.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1076 of 2016 with M.A. No. 1077 of 2016

Shamsher 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>27.07.2016</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 D.S. Tiwari, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p style="text-align: center;"><u>M.A. No. 1076 of 2016</u></p> <p>This is an application moved by Smt Parbeena Devi, wife of the applicant, Shamsher Singh on behalf of her husband. Since Shamsher Singh is mentally ill and has been hospitalized as such she be permitted to do pairvi in this case.</p> <p>We had asked learned counsel for the respondents to obtain instructions as to whether Smt Parbeena Devi is wife of Shamsher Singh or not, as stated in the affidavit and that her husband has been hospitalized in the Mental Hospital, Bareilly.</p> <p>Learned counsel for the respondents on the basis of the instructions states that Smt Parbeena Devi is wife of Shamsher Singh.</p> <p>Accordingly, we allow this application and permit Smt Parbeena Devi to do pairvi in this case.</p> <p>Learned counsel for the respondents to file objection on application for condonation of delay within four weeks.</p> <p>List this case on 21.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 100 of 2011 with M.A. No. 508 of 2016, M.A. No. 610 of 2016 & M.A. No. 811 of 2016

Ajay Kumar Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.07.2016</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 Bhanu Pratap Singh, learned counsel for the respondents.</p> <p><u>M.A. No. 508 of 2016</u></p> <p>This is an application for condonation of delay in filing Original Application which relates to grant of disability pension to the applicant.</p> <p>Admittedly, the applicant has preferred second appeal on 25.04.2008. It is not known whether the same has been decided or not.</p> <p>Learned counsel for the respondents is directed to seek instructions from the authority concerned and inform the court about the disposal of second appeal within two weeks.</p> <p>List this case on 19.08.2016 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>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 281 of 2013 with M.A. No. 1603 of 2016

Rajendra Kumar Yadav
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.07.2016</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 Rajiv Pandey, learned counsel for the respondents.</p> <p><u>M.A. No. 1603 of 2016</u></p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Copy of the counter affidavit has been served to learned counsel for the applicant. It has been objected by learned counsel for the applicant that along with counter affidavit medical documents have not been annexed.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p>List this case on 19.09.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>On the date fixed, learned counsel for the respondents shall provide copy of medical documents to learned counsel for the applicant and also for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 155 of 2014

Sita Ram

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.07.2016</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 Ashish Kumar Singh, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant prays for and is granted four weeks' time to file rejoinder affidavit.</p> <p>List this case on 20.09.2016 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>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 227 of 2015 with M.A. No. 1415 of 2016

Angrej Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>27.07.2016</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 Sunil Sharma, learned counsel for the respondents.</p> <p><u>M.A. No. 1415 of 2016</u></p> <p>Rejoinder affidavit filed by learned counsel for the applicant is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Counter and rejoinder affidavits have been exchanged. The matter pertains to grant of disability pension.</p> <p>List this case on 30.08.2016 for hearing before 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 case for perusal of the Bench.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Lt Col Ram Raj Singh (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>27.07.2016</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>On call of the case no one appears for the applicant. A person present in civil dress claiming himself Lt Col Ram Raj Singh (Retd), the applicant and states that his counsel has gone to hospital and prays for adjournment of the case.</p> <p>The matter pertains to rounding off of disability pension. We find from the order dated 11.12.2015 that the case was admitted and four weeks' time was granted to learned counsel for the respondents to file counter affidavit. On 19.01.2016 again respondents were granted four weeks time to file counter affidavit. Again on 28.03.2016, the respondents were granted two weeks and no more time to file counter affidavit. Again on 18.05.2016, the learned counsel for the respondents had requested and was granted further two weeks and no more time to file counter affidavit.</p> <p>Today again request by learned counsel for the respondents has been made for grant of time for filing counter affidavit.</p> <p>We grant further four weeks time to file counter affidavit to learned counsel for the respondents with a cost of Rs. 10,000/- to be deposited in the registry of this court within 10 days.</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) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

Lt Col P.S. Tripathi (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>27.07.2016</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 D.K. Pandey, learned counsel for the respondents.</p> <p>On call of the case no one appears for the applicant. A person present in civil dress claiming himself Lt Col P.S. Tripathi (Retd), the applicant and states that his counsel has gone to hospital and prays for adjournment of the case.</p> <p>The matter pertains to rounding off of disability pension. We find from the order dated 11.12.2015 that the case was admitted and four weeks' time was granted to learned counsel for the respondents to file counter affidavit. On 19.01.2016 again respondents were granted four weeks time to file counter affidavit. Again on 28.03.2016, the respondents were granted two weeks and no more time to file counter affidavit. Again on 18.05.2016, the learned counsel for the respondents had requested and was granted further two weeks and no more time to file counter affidavit.</p> <p>Today again request by learned counsel for the respondents has been made for grant of time for filing counter affidavit.</p> <p>We grant further four weeks time to file counter affidavit to learned counsel for the respondents with a cost of Rs. 10,000/- to be deposited in the registry of this court within 10 days.</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) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 34 of 2016 with M.A. No. 829 of 2016

Sabhajit 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>27.07.2016</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 Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p><u>M.A. No. 829 of 2016</u></p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Copy of counter affidavit has been served on learned counsel for the applicant on 13.04.2016 who prays for and is granted 10 days time to file rejoinder affidavit.</p> <p>List this case on 15.09.2016 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>

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 41 of 2016

Udai Narain 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>27.07.2016</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 D.S. Tiwari holding brief of Shri Virat Anand Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Shri D.S. Tiwari, states that Shri Virat Anand Singh is out of station and prays for adjournment of the case.</p> <p>Accordingly the case is adjourned.</p> <p>List this case on 22.09.2016 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>

ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 263 of 2015

Prithvi Nath 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>27.07.2016</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 D.S. Tiwari holding brief of Shri Virat Anand Singh, learned counsel for the applicant and Mrs Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>Shri D.S. Tiwari, states that Shri Virat Anand Singh is out of station and prays for adjournment of the case.</p> <p>Accordingly the case is adjourned.</p> <p>There is an application on record, moved by the applicant, Prithvi Nath Singh stating therein that his case which has been filed vide O.A. No 263 of 2015 be dismissed as withdrawn but since the application is not supported by any affidavit, as such, it cannot be entertained.</p> <p>Accordingly, Diary No 1400 dated 23.05.2016 will be considered, if the applicant moves an application along with an affidavit.</p> <p>List this case on 18.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>Let notice be issued to the applicant if he intends to withdraw his O.A., he should file the same along with an affidavit.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p>

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 96 of 2016

Krishna Murari 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>27.07.2016</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.</p> <p>On call of the case, learned counsel for the respondent prays for and is granted three weeks and no more time to file counter affidavit.</p> <p>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. 177 of 2016

Surendra Yadav

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal

26.07.2016

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

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

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.

Present : Shri Vikas Singh Chauhan, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.

Heard learned counsel for the parties at some length. After hearing, learned counsel for the applicant states that he intends to withdraw this petition with liberty to file a fresh.

Accordingly this O.A. is dismissed as withdrawn with liberty to the applicant to file a fresh, if he so desires.

(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. 143 of 2016 Inre O.A. No. 134 of 2012

Dhani Ram Vishwakarma & Ors
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the

Orders of the Tribunal

26.07.2016

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

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

Memo of appearance filed by Shri Yogesh Kesarwani on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.

Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Yogesh Kesarwani, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative.

Heard learned counsel for the applicant who has challenged the order dated 20.05.2016 by means of which second appeal for grant of disability pension has been rejected by the authority concerned.

Learned counsel for the respondents duly assisted by Departmental Representative prays for and is granted six weeks' time to seek instructions from the authority concerned and file counter affidavit.

List this case for orders on **26.09.2016** before court concerned having jurisdiction as per roster of that day.

(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

Ex.A. No. 63 of 2016 Inre T.A. No. 837 of 2010

Dinesh Singh Kushwaha
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the

Orders of the Tribunal

Registry	
	<p><u>26.07.2016</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 Mohd Zafar Khan, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case for orders on 28.07.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) (Justice Abdul Mateen) Member (A) Member (J)</p> <p>SB</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 2066 of 2015 with M.A. No. 1257 of 2016

Chandra Kumar
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the	Orders of the Tribunal
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Registry	
	<p data-bbox="391 172 553 209"><u>26.07.2016</u></p> <p data-bbox="391 209 1102 247"><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></p> <p data-bbox="391 247 1057 284"><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p data-bbox="391 317 1390 413">Present : Shri V.K. Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p data-bbox="391 438 1390 594">On call of the case, Learned counsel for the applicant appears and after some arguments he states that he wants to withdraw this petition and requested that liberty be granted to file a fresh.</p> <p data-bbox="391 618 1390 715">Accordingly, we dismiss the petition as withdrawn with liberty to the applicant to file a fresh, if he so desires.</p> <p data-bbox="391 854 737 930">(Lt Gen Gyan Bhushan) Member (A)</p> <p data-bbox="1052 854 1382 930">(Justice Abdul Mateen) Member (J)</p> <p data-bbox="391 935 423 954">ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 266 of 2015

Hari Bahadur

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>26.07.2016</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 Asheesh Agnihotri, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>From perusal of record, it comes out that the applicant has prayed for quashing the order dated 13.08.2001 and this O.A. was filed in the year 2015. Neither learned counsel for the applicant nor learned counsel for the respondents has pointed out that there is delay in filing O.A.</p> <p>Learned counsel for the applicant prays for and is granted three week's time to file 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)</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. 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>26.07.2016</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>On call of the case, learned counsel for the applicant states that the counter affidavit was served on him on 05.07.2016 but the same was returned to learned counsel for respondents since its pages were not legible and annexures were not attached.</p> <p>Learned counsel for the respondents submits that she be granted one week's further time to file fresh and legible copy of the counter affidavit.</p> <p>If the same is served to learned counsel for the applicant, he shall file rejoinder affidavit within a week, thereafter.</p> <p>List this case on 09.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>On the date fixed, learned counsel for the respondents shall also produce original documents pertaining to case for perusal of the court.</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. 303 of 2015

Durgesh Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the	Orders of the Tribunal
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Registry	
	<p><u>26.07.2016</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, holding brief of Shri K.K. Singh Bisht, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents.</p> <p>On call of the case, Shri R Chandra states that Shri K.K. Singh Bisht has not come to court today and prays for adjournment of the case.</p> <p>Accordingly the case is adjourned.</p> <p>List this case on 29.08.2016 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. 340 of 2015

Jitendra 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>26.07.2016</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>On call of the case, learned counsel for the respondents states that further two weeks and no more time be granted to him to file counter affidavit. Time prayed for is granted.</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) 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. 13 of 2016 with M.A. No. 1152 of 2016

Akash 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>26.07.2016</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 prays for and is granted two weeks' time to file rejoinder affidavit.</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>ukt</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 36 of 2016

M.K. Chandrasekharan

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>26.07.2016</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>On call of the case, learned counsel for the applicant states that rejoinder affidavit is under preparation and he be granted further two weeks' time to file rejoinder affidavit.</p> <p>Time prayed for is granted.</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) 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. 619 of 2010

Ram Yash Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>26.07.2016</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 Amit Jaiswal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant stated that he be granted further two weeks' and no more time to move amendment application. Time prayed for is granted.</p> <p>It is clarified that if the amendment application is not filed by the date fixed, the court will proceed to decide the case for admission without amendment application.</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) 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. 19 of 2013

Gyan 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 data-bbox="391 209 553 244"><u>26.07.2016</u></p> <p data-bbox="391 249 1101 284"><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></p> <p data-bbox="391 290 1057 325"><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p data-bbox="391 370 1390 465">Present : None for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p data-bbox="391 491 1390 585">On call of the case neither the applicant nor his counsel is present nor there is any request to pass over the case.</p> <p data-bbox="461 612 1382 647">Accordingly T.A. No 19 of 2013 is dismissed for non prosecution.</p> <p data-bbox="391 801 727 908">(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p data-bbox="1045 801 1372 868">(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. 297 of 2011

Kedar Prasad 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>26.07.2016</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 Rakesh Johri, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents duly assisted by Lt Priya Prasad, Departmental Representative for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>The question in issue is that the applicant who is from civil department on deputation with Army Postal Service and has served in the army for 37 years, whether he is entitled for Military Service Pay (MSP) as being paid to Army personnel of Army Postal Service or not. Further it has been argued by learned counsel for the applicant that the applicant who after serving in Army Postal Service has retired at the age of 60 years is entitled to draw pension which should be calculated including the MSP, even if he is drawing pension from civil department.</p> <p>Learned counsel for the respondents shall file detailed reply of the aforesaid submission made by learned counsel for the applicant within four weeks'.</p> <p>List this case on 01.09.2016 for hearing 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. 210 of 2015 with M.A. No. 1341 of 2016

Akil Ahmed Ansari

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>26.07.2016</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 Sidharth Dhaon, learned counsel for the respondents.</p> <p><u>M.A. No. 1341 of 2016</u></p> <p>Supplementary counter affidavit filed by learned counsel for the respondents is taken on record. M.A. No 1341 of 2016 is disposed of accordingly.</p> <p>On the request of learned counsel for the respondents, list this case on 01.08.2016 for hearing 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

EX.A. No. 140 of 2016 Inre T.A. No. 36 of 2011

Vinod 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>25.07.2016</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 D.K. Pandey on behalf of respondents is taken on record. Let his name be shown as counsel for the respondents, when the case is listed next.</p> <p>Present : Shri K.K. Singh Bisht, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>This is an application for execution of judgement and order passed in T.A. No. 36 of 2011 on 24.02.2016 thereby this court while allowing the T.A. of the applicant has observed that the applicant is entitled for disability pension @ 30% for two years which would stand rounded off to 50% in consequence of policy letter dated 31.01.2001 and also the judgment of Hon'ble Apex Court in the case of Sukhvinder Singh Vs. Union of India, reported in (2014) STPL (WEB) 468 SC and Union of India and Ors vs Ram Avtar & ors Civil Appeal No 418 of 2012 dated 10th December 2014, three months time was granted for compliance but the same has not yet been complied with.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to seek instructions from the authority concerned and to file affidavit of compliance.</p> <p>List this case for orders on 14.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) 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. 141 of 2016 Inre O.A. No. 78 of 2014

Dinesh Pratap Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.07.2016</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 : Shri K.K. Singh Bisht, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this execution application which has been filed with the grievance that the judgment and order of this court passed in O.A. No. 78 of 2014 on 14.10.2015 has not been complied with.</p> <p>Learned counsel for the applicant submits that aforesaid judgment has not been complied with inspite of three months time having been elapsed.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to seek instructions from the authority concerned and to file affidavit of compliance.</p> <p>List this case for orders on 14.10.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A) 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. 1588 of 2015

Ram Murty 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>25.07.2016</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 Rajendra Yadav, learned counsel for the applicant and Shri Sidharth Dhaon, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this application which has been preferred against the order of discharge which is said to be allowed by the Bench consisting of Hon'ble Mr. Justice D.P. Singh, (Member J) and Hon'ble Air Marshal Anil Chopra (Member A) and also amendment application was allowed by the Bench concerned but since the amendment has been incorporated calling the order of discharge dated 20.11.1986, the delay has not been explained and the application is on record "Application under section 5/14 of the Limitation Act read with section 151 CPC appearing in M.A. No. 1588 of 2015".</p> <p>Learned counsel for the applicant states that since the order has already been passed by Hon'ble Mr. Justice D.P. Singh (Member J) and Hon'ble Air Marshal Anil Chopra (Member A) on 29.03.2016 which is silent on the subject for condoning the delay as such since the order is silent it comes out that the delay has been condoned.</p> <p>Let the matter be placed before the Bench concerned on 16.08.2016 for orders.</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. 1391 of 2016 with M.A. No. 1392 of 2016 Inre O.A. No. 423 of 2012

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Ajay Kumar Singh

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><u>25.07.2016</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>Heard learned counsel for the applicants who states that he intends to file better affidavit in support of the application for leave to appeal for which he prays for and is granted three weeks' time for the same.</p> <p>List this case for orders on 15.09.2016 before court concerned having jurisdiction as per roster of that day.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>SB</p>

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1581 of 2016 with M.A. No. 1582 of 2016 Inre O.A. No. 253 of 2013

Union of India & Others

Applicants

By Legal Practitioner for Applicants

Versus

Fauran Singh

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p data-bbox="391 209 553 244"><u>25.07.2016</u></p> <p data-bbox="391 249 1101 284"><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></p> <p data-bbox="391 290 1057 325"><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p data-bbox="391 357 1390 451">Present : Shri Rajiv Pandey, learned counsel for the applicants and none for the respondent.</p> <p data-bbox="461 478 792 513"><u>M.A. No. 1581 of 2016</u></p> <p data-bbox="391 540 1390 747">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. 253 of 2013.</p> <p data-bbox="391 774 1390 1526">As per stamp reporter's report, there is delay of 08 months and 05 days in filing the application for leave to appeal. Section 31 (2) of the Armed Forces Tribunal Act 2007 provides that the application for leave to appeal <u>shall</u> be made for approaching Hon'ble Supreme Court within a period of 30 days beginning with the date of decision of the Tribunal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for grant of leave to appeal are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p data-bbox="391 1553 1390 1862"><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 data-bbox="461 1889 1175 1924">The Hon'ble Supreme Court further observed as under :</p> <p data-bbox="391 1951 1390 2193"><i>“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings”.</i></p> <p data-bbox="391 2220 1390 2368">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.</p> <p data-bbox="461 2395 792 2429"><u>M.A. No 1582 of 2016</u></p> <p data-bbox="461 2456 1390 2491">This is an application under section 31 (1) of the Armed Forces</p>

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. 47 of 2015 Inre O.A. No. 315 of 2012

Puran Chandra Joshi

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>25.07.2016</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 Parijaat Belaura, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.</p> <p>We have gone through the letter sent by Branch Manager, State Bank of India, Badawe, Pithoragarh.</p> <p>The Registrar is directed to supply a photocopy of the State Bank of India letter dated 20.04.2016 to learned counsel for the applicant within a week who shall file an affidavit if not satisfied with respect to payment made to his client. He shall also indicate difference if any in amount of pension and arrears to be paid to his client within three weeks.</p> <p>List this case for orders on 29.08.2016 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

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>25.07.2016</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 Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Learned counsel for the respondents submits that the judgment under execution passed in T.A. No. 1140 of 2010 on 16.09.2015 is under process and undertakes that the same shall be implemented within one month. He prays that this case be listed after one month and no more to enable him for compliance of judgment.</p> <p>As prayed, list this case on 14.09.2016 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. 103 of 2016 with M.A. No. 618 of 2016, M.A. No. 619 of 2016 & M.A. No. 1206 of 2016

Hoshyar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.07.2016</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 Parijaat Belaura, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p>Learned counsel for the applicant states that he does not intend to file replication to the objection on application for condonation of delay, filed by the learned counsel for the respondents vide M.A. No. 103 of 2016. He prays that a week's time be granted to him for the same.</p> <p>Time prayed for is granted.</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)</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. 527 of 2016 with M.A. No. 1195 of 2016

Pan 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>25.07.2016</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 Parijaat Belaura, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted a week's time to file replication to the objection on application for condonation of delay.</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)</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. 164 of 2013

Warrant Officer Shashi Kant Chaturvedi

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>25.07.2016</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>In this case respondents No. 8, 9 & 10 were issued notices by this Court. The office report indicates that all three respondents were served the notices long back but no one appears, either in person or through any advocate.</p> <p>In the interest of justice, the case is adjourned.</p> <p>List this case on 25.08.2016 for orders before court concerned having jurisdiction as per roster of that day.</p> <p>It is clarified that if no one appears on behalf of Respondents Nos. 8,9 & 10 on the date fixed, the Court will proceed ex-party.</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. 291 of 2015 with M.A. No. 676 of 2016

Hari 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>25.07.2016</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, learned counsel for the applicant and Shri Adesh Kumar Gupta, learned counsel for the respondents.</p> <p>On call of the case, Shri O.P. Kushwaha, learned counsel for the applicant appears and states that he is conducting this case on behalf of the applicant. Although on 04.05.2016, Shri V.A. Singh has made statement that he has also filed power on behalf of the applicant and that he is also conducting the case on behalf of the applicant. While going through the case, we do not find any power, filed by Shri V.A. Singh on behalf of the applicant.</p> <p>Since Shri Virat Anand Singh is not present today and we have been informed by Shri Harshvardhan that he has gone to Jablapur, list this case on 03.08.2016 for orders before court concerned having jurisdiction as per roster of that day, showing the name of Shri O.P. Kushwaha too, as learned counsel for the applicant.</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. 357 of 2015

L.N. Rathore

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>25.07.2016</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>On call of the case, Shri V.A. Singh is not present rather Shri Harshvardhan, Advocate informed the Court that Shri V.A. Singh has gone to Jabalpur and the matter be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case on 03.08.2016 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. 56 of 2016

Pawan Kumar Dwivedi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.07.2016</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.</p> <p>On call of the case learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit.</p> <p>List this case on 15.09.2016 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

O.A. No. 62 of 2016

Sahib 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>25.07.2016</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 Harshvardhan, 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 four weeks' and no more time to file counter affidavit.</p> <p>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

T.A. No. 360 of 2010

Nepal 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>25.07.2016</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 Kaushik Chattarji, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the respondents prays for and is granted two weeks' and no more time to file objection to amendment application, filed by the learned counsel for the applicant.</p> <p>List this case on 19.08.2016 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. 265 of 2015

Ninua Ram
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p data-bbox="393 209 553 244"><u>25.07.2016</u></p> <p data-bbox="393 249 1101 284"><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></p> <p data-bbox="393 290 1053 325"><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p data-bbox="393 370 1386 465">Present : Shri P.K. Shukla, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p data-bbox="461 491 1190 526">Heard learned counsel for the parties at some length.</p> <p data-bbox="393 553 1386 647">List this case for further hearing on 18.08.2016 before court concerned having jurisdiction as per roster of that day.</p> <p data-bbox="393 674 1386 822">On the date fixed, learned counsel for the respondents shall produce original medical documents pertaining to the case for perusal of the Bench.</p> <p data-bbox="393 975 727 1080">(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p data-bbox="1045 975 1370 1053">(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. 37 of 2012

Mangal Sen

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>25.07.2016</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 Sudhir Kumar Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant states that this T.A. be dismissed as not pressed.</p> <p>Accordingly, this application is dismissed as not pressed.</p> <p>(Lt Gen Gyan Bhushan) Member (A) ukt</p> <p>(Justice Abdul Mateen) Member (J)</p>