

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

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

O.A. No. 303 of 2015 With M.A. No. 1909 & 1910 of 2016

Durgesh Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P.Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant, and Shri Sunil Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>This application under Section 14 of the Armed Forces Tribunal Act, 2007 has been preferred by the applicant being aggrieved against the denial of disability pension by the respondents.</p> <p>We have heard learned counsel for the parties and perused the record.</p> <p>The applicant was enrolled in the Army on 17.06.2013 and on account of Low Medical Category, he was invalided out from service on 16.12.2013. An application moved by the applicant for payment of disability pension was rejected by respondent No. 3 vide order dated 20.06.2014. Being aggrieved with the order of rejection, the applicant preferred first appeal on 09.09.2014 but that too was rejected on 21.03.2016. Against this rejection order, the applicant has preferred second appeal vide his representation dated 29.04.2016.</p> <p>Shri Sunil Sharma, learned Standing Counsel appearing for the respondents states that the second appeal preferred by the applicant is still pending. Pendency of this second appeal has not been disputed by the applicant's counsel.</p> <p>Learned counsel for the applicant submits that the applicant is entitled for payment of disability pension in view of the law laid down by the Hon'ble Supreme Court in the cases of Dharamvir Singh Vs.</p>

Union of India and Ors reported in (2013) 7 Supreme Court Cases 316, **Sukhvinder Singh Vs. Union of India**, reported in (2014) STPL (WEB) 468 SC, **Veer Pal Singh vs. Ministry of Defence** reported in (2013) 8 SCC 83 and **Union of India and others vs. Ram Avtar & others, Civil appeal No.418 of 2012 dated 10 December, 2014,**

Since the controversy raised in the present case involves disputed questions of facts and law, we, with the agreement of learned counsel for the parties, dispose of this O.A finally with a direction that the concerned authority shall dispose of the second appeal preferred by the applicant by passing a speaking and reasoned order within a period of four months from the date of receipt of a copy of this order, keeping in view the law laid down by the Hon'ble Supreme Court in the cases of **Dharamvir Singh Vs. Union of India and Ors Sukhvinder Singh Vs. Union of India, Veer Pal Singh vs. Ministry of Defence and Union of India and others vs. Ram Avtar & others (supra).**

(Air Marshal Anil Chopra)
Member (A)

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

LN/

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases of Court No. 1 taken up in Court No. 2

O.A. No. 82 of 2016 With M.A. No. 1776 of 2016

Shailendra Kumar Yadav Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P.Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>We have heard learned counsel for the parties and perused the record.</p> <p>This application under Section 14 of the Armed Forces Tribunal Act, 2007 has been preferred by the applicant being aggrieved with not holding the Review Medical Board by the respondents for continuation of his disability pension.</p> <p>Admittedly the applicant was invalided out from service on 24.03.2004. In spite of the fact that five years have passed, no subsequent Review Medical Board, as provided under law, has been held for continuance of his disability pension.</p> <p>Keeping in view the factual matrix of the case on record and as agreed by learned counsel for the parties, we dispose of this O.A finally directing the respondents to refer the case of the applicant to Review Medical Board for reassessing the medical condition of the applicant for further entitlement of disability pension, if any, and proceed further in accordance with law.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P.Singh) Member (J)</p> <p>LN/</p>

Form No. 4
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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

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

O.A. No. 227 of 2014

Bhagwati 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>04.10.2016</u> <u>Hon'ble Mr. Justice D.P.Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>None appears for the applicant.</p> <p>List this case for hearing on 13.10.2016.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P.Singh) Member (J)</p> <p>LN/</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases of Court No. 1 taken up in Court No. 2

O.A. No. 215 of 2015

Onkar Nath Sharma
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P.Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>As prayed, list this case for hearing on 14.10.2016.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P.Singh) Member (J)</p> <p>LN/</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases of Court No. 1 taken up in Court No. 2

T.A. No. 686 of 2010 With M.A. No. 2160 of 2016

Jagdish Prasad

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>04.10.2016</u> <u>Hon'ble Mr. Justice D.P.Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>List this case for hearing on 28.11.2016 before the appropriate Bench in terms of the earlier order dated 15.09.2016.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P.Singh) Member (J)</p> <p>LN/</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Cases of Court No. 1 taken up in Court No. 2

T.A. No. 4 of 2015

Ankit Kumar Pandey (Minor)
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>04.10.2016</u> <u>Hon'ble Mr. Justice D.P.Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Compliance report has been filed by Shri Amit Jaiswal, learned Standing Counsel appearing for the respondents alongwith a copy of PPO issued in compliance of the order passed by the Tribunal. The same is taken on record.</p> <p>List this case for hearing on 21.11.2016 to enable the counsel for the respondents to receive instructions with regard to payment of arrears which, according to the counsel for the applicant, have not been paid.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P.Singh) Member (J)</p> <p>LN/</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 226 of 2014 With M.A. No. 1898 of 2016

Radhey Shyam Upadhya

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Shilendra Kumar Singh, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents alongwith Maj Soma John, Departmental representative.</p> <p>By means of this petition, the applicant has prayed that relevant corrigendum PPO issued to him, as contained in Annexure A-4 to the OA, be quashed. While going through Annexure A-4, it comes that it is not legible.</p> <p>Shri Shailendra Kumar Singh, learned counsel for the applicant prays for and is granted a week's time to file legible typed copy of Annexure A-4.</p> <p>List this case for orders on 15.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

M.A. No. 1708 of 2014

Shyam Sunder 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>03.10.2016</u></p> <p><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Soma John, Departmental representative.</p> <p>Let notice be issued to Branch Manager, Union Bank of India, Maulanipur Azamgarh through Chief Judicial Magistrate, Azamgarh to show cause as to why after issuance of PPO No S/COR/125931/2011 to the applicant by the competent authority i.e. PCDA(P), Allahabad, revised pension indicated therein has not been paid to the applicant. He shall appear before this Court with specific reply to the aforesaid fact on 08.11.2016.</p> <p>List this case for orders on 08.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 100 of 2011 With M.A. No. 2245 of 2016

Ajay Kumar Yadav

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>A fresh application (M.A.No. 2245 of 2016) for condonation of delay has been filed by learned counsel for the applicant after serving a copy thereof on learned Standing Counsel for the respondents. Learned Standing Counsel appearing for the respondents prays for and is granted two weeks' time to file objection to this delay condonation application.</p> <p>List this case for orders on 18.10.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 302 of 2012 With M.A. No. 1104 of 2016

Akhilesh Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri AK Pandey, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Maj Soma John, Departmental representative.</p> <p>Heard learned counsel for the parties.</p> <p>The applicant was invalided out from service on 12.10.2011 on medical ground, but since his retiral dues, such as pension, disability pension, AFPP Fund, AGI Fund, ECHS etc were not released, he approached this Court by means of this petition, praying for a direction to the respondents to consider his case for aforesaid retiral dues.</p> <p>Submission of learned counsel for the applicant was that in spite of knocking the doors of the respondents on several occasions, he was not paid his requisite dues.</p> <p>Counter affidavit has been filed by the respondents and now it is admitted by learned counsel for the applicant that the applicant has been paid all his dues on 13.01.2016. He, however, stressed that since the applicant had retired in the year 2011 and was paid his dues in the year 2016 i.e. more than four years after his retirement, he is entitled to interest accrued on the amounts due.</p> <p>We, while going through the reliefs claimed in the petition, find that the relief with respect to interest has not been prayed for by the applicant. Learned counsel for the applicant prays for two weeks' time to move an appropriate application, praying for payment of interest on the amounts due and paid to the applicant. Time prayed for is granted.</p> <p>List this case for orders on 17.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
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ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 61 of 2014

Sukhvir 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>03.10.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Maj Soma John, Departmental representative.</p> <p>Heard learned counsel for the parties.</p> <p>Let notice be issued to OIC, Artillery Records, Nasik Road Camp, Nasik, PIN-908802 to show cause as to why Part II Order has not been published with respect to the pension claim of the applicant. He or any officer conversant with the facts of this case shall appear in person before this Court on 28.11.2016 with all records pertaining to the claim of the applicant for grant of family pension as well as disability pension and file reply in the shape of affidavit.</p> <p>It is clarified that if Part II Order is published in the meantime, the OIC, Artillery Records or any other officer, as directed above, need not appear on the next date fixed.</p> <p>List this case for orders on 28.11.2016 before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A)</p> <p style="text-align: center;">(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>