

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

Court No. 1

T.A. No. 21 of 2012

Ram Naresh Dubey
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>09.09.2016</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 PN Chaturvedi, learned counsel for the applicant and Shri Sunil Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>On call of the case, Shri PN Chaturvedi, learned counsel for the applicant appeared and states that he could not file supplementary affidavit to bring on record the order by which the applicant has been granted partial pension. He has also not placed before the Court the judgments of Apex Court and Hon'ble High Courts in cases where a convicted person has been allowed to get pension. He prays for three weeks' further time for the purpose. Time prayed for is granted.</p> <p>List this case for further hearing on 5.10.2016.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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

Court No. 1

O.A. No. 257 of 2012

Tej Pal Singh Tomar
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>09.09.2016</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 Rajeev Pandey, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>On call of the case, Shri DS Tiwari, Advocate appeared. He states that KK Mishra, learned counsel for the applicant has gone to Circuit Bench at Nainital, as such he prays that the matter be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for hearing on 10.11.2016 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>RS/</p>

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

Court No. 1

T.A.No. 1018 of 2010

Dharam Pal Singh
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>09.09.2016</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 P.N.Chaturvedi, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard learned counsel for the parties.</p> <p>This petition has been filed with the prayer that the applicant be granted disability pension with effect from the due date alongwith all consequential benefits as admissible to him under the rules. The applicant has further prayed for constituting a fresh Medical Board for proper assessment of his disease/disability and his reinstatement in service.</p> <p>In para 4 of the supplementary rejoinder affidavit filed by the applicant on 23.02.2012, it has been averred that the applicant is not insisting for the disability pension.</p> <p>In view of the aforesaid averment of the applicant, this petition is rendered infructuous and is accordingly dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

Court No. 1

O.A.No. 346 of 2015

Mahangoo Prasad Vishwakarma
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>09.09.2016</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 Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>On call of the case, Shri V.P.Pandey Advocate appeared. He states that this case will be argued on behalf of the applicant by Shri V.K.Pandey, who is out of station; as such he prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List this case for hearing on 07.11.2016 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
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A.No. 1224 of 2010

Ravindra 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>09.09.2016</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 Manoj Kumar Singh, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard learned counsel for the parties.</p> <p>Submission made by Shri Manoj Kumar Singh, learned counsel for the applicant is that the pension, which was being given to the applicant from 1.1.1996 to 31.12.2001, was Rs.1838/- per month + disability pension and other allowances. After issuance of Circular No. 282 dated 6.8.2001, the same was revised and reduced to Rs.1275/- per month with effect from 1.1.1996 and pursuant thereto, recovery of an amount of Rs.1,13,637/- has been ordered, which is illegal.</p> <p>Let notice be issued through Registrar of this Court to PCDA(P), Allahabad to send some officer, well conversant with the facts of this case, to explain this Court on the next date fixed as to why and under what circumstances, the pension of the applicant has been reduced from Rs.1838/- to 1275/-, and that too from 1.1.1996.</p> <p>List this case for orders on 27.10.2016 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>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 2 taken up in Court No. 1

M.A. No. 2029 of 2016
(Inre: O.A. No. Nil of 2016)

Ram Yogya Ojha
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>09.09.2016</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>Ms Amrita Chakraborty, Advocate files memo of appearance on behalf of the respondents, which is taken on record. When the case is next listed, name of Ms Amrita Chakraborty be shown as counsel for the respondents.</p> <p>Present: Shri PN Chaturvedi, learned counsel for the applicant and Ms Amrita Chakraborty, learned counsel for the respondents alongwith Maj Ridhishri Sharma, Departmental representative.</p> <p>Heard learned counsel for the parties on the question of admission of this O.A, which has been preferred by the applicant with the prayer that the respondents be directed to process his application dated 28.05.2013 (Annexure No. 5 to the O.A) seeking re-employment as Clerk in MES and he be granted re-employment till the age of 60 years as per policy on the subject.</p> <p>The applicant, who was initially discharged from service as Naib Subedar, approached this Court by means of T.A.No. 1407 of 2010, which was allowed vide judgment and order dated 1.4.2004; the impugned discharge order dated 7.6.2006 was quashed and the respondents were directed to extend all consequential benefits to the applicant including salary and arrears of salary, if any, and also grant notional promotions, if he is eligible and entitled to, which would have been granted to him, had he been in service till his actual date of superannuation.</p> <p>Shri P.N.Chaturvedi, learned counsel for the applicant submits that the applicant had applied for re-employment as Clerk in MES within one year of his discharge vide application dated 28.5.2013, but his entitlement to</p>

re-employment has been denied on the ground that the vacancy in MES against which he had applied, has been filled up by an eligible candidate. The argument of learned counsel for the applicant is that since the case of the applicant was pending before this Court, which, as stated above, was decided on 1.4.2004, his application for re-employment as Clerk in MES has wrongly been rejected vide letter/order dated 3.1.2015 on the ground of ineligibility.

There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, we **admit** this O.A. Let it be registered.

The respondents may file counter affidavit within six weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List this case for orders on **11.11.2016** before the appropriate Court having jurisdiction as per roster of that date.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

LN/

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 2 taken up in Court No. 1

O.A. No. 234 of 2016

Chandra Prakash
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>08.09.2016</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 style="text-align: center;">Shri GS Sikarwar, Advocate files memo of appearance on behalf of respondents, which is taken on record. When the case is next listed, name of Shri GS Sikarwar be shown as counsel for the respondents.</p> <p style="text-align: center;">Present: Shri Veer Raghav Chaubey, learned counsel for the applicant and Shri GS Sikarwar, learned counsel for the respondents alongwith Maj Ridhishri Sharma, Departmental representative.</p> <p style="text-align: center;">List this case for admission on 29.09.2016 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>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 2 taken up in Court No. 1

EX-A No. 181 of 2016
(Inre: O.A. No. 81 of 2010)

Acche Lal
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>08.09.2016</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>Shri Amit Jaiswal, Advocate files memo of appearance on behalf of respondents, which is taken on record. When the case is next listed, name of Shri Amit Jaiswal be shown as counsel for the respondents.</p> <p>Present: Shri R Chandra, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Maj Ridhishri Sharma, Departmental representative.</p> <p>Heard Shri R Chandra, learned counsel for the applicant on this Execution Application, which has been filed by the applicant having been aggrieved with the non-implementation of this Court's judgment and order dated 04.10.2013 passed in OA No. 81 of 2010 in its true sense and correct perspective.</p> <p>Copy of this application was served on the respondents on 07.09.2016. The respondents may file reply within six weeks. Replication, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case for orders on 15.10.2016 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>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 2 taken up in Court No. 1

MA. No. 2013 of 2016 with M.A. No. 2014 of 2016
(Inre: M.A. No. 582 of 2016)

Udai Shankar Mishra Applicant
By Legal Practitioner for Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>08.09.2016</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 AK Pandey, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Maj Ridhishri Sharma, Departmental representative.</p> <p>List this application for Leave to Appeal on 19.09.2016 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>RS/</p>

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

O.A. No. 433 of 2012

Court No. 1

Ram Sajiwan 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
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08.09.2016

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

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

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

Heard learned counsel for the parties.

By means of this O.A, the applicant has sought the relief of setting aside the orders passed in his first and second appeals rejecting the grant of disability pension and arrears thereof.

We have gone through the petition. While hearing the learned counsel for the parties, it comes out that the applicant was enrolled in the Indian Air Force on 25.11.1969 and was put in category CEE (T-24) on 6.11.1998 for Alcohol Dependence Syndrome. Again on 28.4.1999 and subsequently on 8.11.1999 and 11.5.2000, he remained in low medical category because of Alcohol Dependence Syndrome and was upgraded to category AYE on 5.1.2001. Thereafter he was put in category CEE (T-24) for Unspecified Psychosis. In the Release Medical Board on 27.2.2001, again he was in category CEE (P) for Unspecified Psychosis. The Medical Board considered his disability as neither attributable to nor aggravated by service and percentage of disability was assessed as 15 to 19% for five years. Apparently no Review Medical Board has been held after lapse of five years. It is not clear as to whether Unspecified Psychosis is because of Alcohol Dependence Syndrome or some other reasons.

Let notice be issued to Commandant, Command Hospital, Lucknow to send some medical specialist having expertise on the subject for assistance of the Court on the next date fixed for hearing.

List this case for further hearing on **15.09.2016**.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

LN/

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

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

O.A. No. 235 of 2016

Dheerandra 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>08.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Shri Namit Sharma, Advocate files memo of appearance on behalf of the respondents, which may be taken on record. When the case is next listed, name of Shri Namit Sharma be shown as counsel for the respondents.</p> <p>Present: Shri Manish Mishra, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Maj Ridhishri Sharma, Departmental representative.</p> <p>Heard learned counsel for the parties on this O.A, which has been filed by the applicant with the prayer that the order dated 07.07.2016, by means of which his statutory complaint has been rejected, be quashed.</p> <p>Submission of learned counsel for the applicant is that the applicant was granted casual leave from 07.08.2011 to 21.08.2011. He overstayed the leave, but thereafter when he tried to join, he was not allowed to do so (Annexure-5 gives indication to that) and ultimately he has remained out of job without any rhyme or reason and without affording him any opportunity of hearing.</p> <p>There seems to be some substance in the argument of learned counsel for the applicant. Accordingly, we admit this O.A.</p> <p>Let counter affidavit be filed by the respondents within six weeks. Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.</p> <p>List this case for orders on 14.10.2016 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>

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

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

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

DY-No. 8 of 2016 With M.A. No. 380, 1442 & 1571 of 2016

Sinhasan Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>08.09.2016</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: Col YR Sharma (Retd), learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents alongwith Maj Ridhishri Sharma, Departmental representative.</p> <p>Heard learned counsel for the parties on the application for condonation of delay in filing the O.A.</p> <p>It comes out that against the outcome of Summary Court Martial proceedings, the applicant had preferred O.A.No. 244 of 2010, which was dismissed on 20.04.2015 on the ground of alternative remedy being available to him under Section 164 (2) of the Army Act. As per averments made in the petition, the applicant had preferred a statutory petition as provided under Section 164 (2) of the Army Act, but there is no receipt of postal despatch on record, indicating that the same was preferred and despatched. Shri Y.R.Sharma, learned counsel for the applicant states that he is in possession of the said receipt and prays that he be granted two weeks' time to bring the same on record. Time prayed for is granted.</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 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>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 23 of 2016 With M.A. No. 1491 of 2016

Umendra Prasad Rai
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2016</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 PN Chaturvedi, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Sgt Pradeep Kumar, Departmental representative.</p> <p>On call of the case, Shri PN Chaturvedi, learned counsel for the applicant, submits that he is not prepared with the brief, as such he prays that the case be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on 26.10.2016 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>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 81 of 2016 With M.A. No. 1564 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>06.09.2016</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 R Chandra, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>As prayed by, Shri R Chandra, learned counsel for the applicant, list this case after ten days for orders on 21.09.2016 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>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

O.A. No. 62 of 2011

Puran Chand Bhatt
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>06.09.2016</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 PN Chaturvedi, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>As prayed by, Shri PN Chaturvedi, learned counsel for the applicant as well as Mrs Deepti P Bajpai, learned counsel for the respondents, list this case for further hearing on 12.09.2016.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

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

Km Basanti

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2016</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 VK Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard Shri V.K.Pandey, learned counsel for the applicant and Shri Namit Sharma, learned Standing Counsel appearing for the respondents.</p> <p>In pursuance of the order dated 14.08.2016, Shri Rajveer Singh Rana, PCDA (P), Allahabad is present. He has tendered his unconditional apology for non-presence of the officer dealing with the matter pertaining to the applicant on 24.08.2016 in compliance with the order dated 17.08.2016. The apology tendered by the officer is accepted.</p> <p>The applicant, who is a disabled and unmarried daughter of late Madho Singh, an Army personnel, has preferred this O.A challenging the order dated 25.08.2012 by means of which Special Family Pension, which was being paid to her, was stopped and it was directed that the excess amount paid to her be recovered. The said order dated 25.08.2012 was stayed by this Court vide order dated 20.12.2012.</p> <p>Sri V.K.Pandey, learned counsel for the applicant has submitted that Special Family Pension is being given to the applicant from 6.9.2007. The only grievance raised by him is to the effect that the applicant has not been paid Special Family Pension from 1986 to 2007, to which she is entitled; that is to say, she is entitled to Special Family Pension since the death of her mother on 10.09.1986.</p> <p>A supplementary affidavit has been filed today by Shri Namit Sharma, learned Standing Counsel appearing for the respondents, wherein it</p>

has been averred that the applicant was being paid Children Allowance, which is equivalent to Ordinary Family Pension, from 1979 to 2007. It has further been averred that as per Government Policy, which came into being vide Government of India letter dated 14.12.2012 and by means of which Special Family Pension is granted to handicapped children of late army personnel since 2007, Special Family Pension is being paid to the applicant from 6.9.2007.

Copy of the supplementary counter affidavit has been served on Shri V.K.Pandey, learned counsel for the applicant. Annexure No. SCA-10 to the said supplementary counter affidavit gives the details of revised pension, which has been paid to the applicant from 1.1.196 to 5.9.2007. Shri V.K.Pandey, learned counsel for the applicant prays for and is granted four weeks' time to file supplementary rejoinder affidavit.

Let notice be issued to PDA i.e. Branch Manager, State Bank of India, Pithoragarh, through Registrar of this Court, to file reply as to how and under what category the payment is being made to the applicant; that is to say Children Allowance or Family Pension. He shall file a detailed affidavit/reply with respect to the payment made in this regard to the applicant by the next date.

List this case for hearing on **13.10.2016**. The PCDA (P), Allahabad as well as other officers present today need not appear again unless specifically called for.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice Abdul Mateen)
Member (J)

LN/

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

Court No. 1

O.A. No. 102 of 2014

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>06.09.2016</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 VK Pandey, learned counsel for the applicant, Shri K.K.Shukla, learned counsel for respondent No. 4 and Shri Asheesh Agnihotri, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard learned counsel for the parties.</p> <p>We have gone through the counter affidavit filed by respondent No. 4, sworn in by Shri Saurabh Trivedi, Branch Manager, State Bank of India, Rudrapur, Pilibhit giving break-up of pension paid to the applicant, as contained in Annexure No. 1. It indicates that the applicant, who was paid pension from 1.7.2009 at the rate Rs.6790/-+ DA, is now being paid pension at the rate of Rs. 8425/-+DA. The applicant has given a bank-statement, contained in Annexure-4 to the O.A, wherein it has been indicated that the applicant is being provided pension at the rate of Rs.6564/-.</p> <p>Let this discrepancy be clarified by respondent No. 4 by filing a break-up of pension being given to the applicant in detail within three weeks.</p> <p>List this case for hearing on 07.11.2016.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

T.A. No. 563 of 2010

Ram Swaroop

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2016</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 VP Pandey, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>As prayed by Shri V.P.Pandey, list this case for hearing on 21.09.2016.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>LN/</p>

Form No. 4
[See rule 11(1)]
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Case of Court No. 2 taken up in Court No. 1

M.A.No. 254 of 2016 with M.A.No. 571/2016, M.A.No. 1657/2016 and M.A.No.1658/2016
In Re:
O.A.No. Nil of 2016

Dhananjay Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>06.09.2016</u> <u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p style="text-align: center;">Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Asheesh Agnihotri, learned counsel for the respondents alongwith Maj Ridhishri Sharma, Departmental representative.</p> <p style="text-align: center;">Heard learned counsel for the parties.</p> <p>Shri Asheesh Agnihotri, learned Standing Counsel appearing for the respondents raised a preliminary objection with respect to maintainability of this O.A before this Tribunal. According to him, the applicant is a resident of Bihar and the order impugned in this O.A was passed at Saugor, as such this case be transferred to AFT at Jabalpur.</p> <p>Shri Shailendra Kumar Singh, learned counsel for the applicant concedes that jurisdiction over this matter lies with AFT at Jabalpur and submits that Section 27 of the Armed Forces Tribunal Act, 2007 will not come into play in this case in passing orders by this Court for transfer of the case to AFT at Jabalpur.</p> <p>As it comes out, this O.A was filed in this Court on 9.2.2016. Consequent to notification with respect to creation of AFT at Jabalpur on 9.5.2016, this case ought to have been sent alongwith the bunch of cases to AFT at Jabalpur, territorial jurisdiction of which lies with the said Bench, but it seems that this file was left over.</p> <p>Accordingly, we direct that this case be transferred to AFT at Jabalpur and be listed there for orders on 07.10.2016. The Registrar shall transmit the record of this case within a week.</p> <p style="text-align: center;">(Lt Gen Gyan Bhushan) Member (A) Member (J) LN/</p> <p style="text-align: center;">(Justice Abdul Mateen)</p>

