

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**O.A. No. 36 of 2016**

**MK Chandrasekhran**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>05.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Yash Pal Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>On call of the case, Shri Yashpal Singh, learned counsel for the applicant prays for and is granted two weeks' further time to file rejoinder affidavit.</p> <p>List this case for orders on <b>27.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 26 of 2012**

**Rajbir Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>05.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Col YR Sharma (Retd), learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Sgt Pradeep Kumar, Departmental representative.</p> <p>On call of the case, Col YR Sharma, learned counsel for the applicant prays for and is granted four weeks' time to file Supplementary Affidavit.</p> <p>List this case for orders on <b>27.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 213 of 2011 With M.A. No. 1960 of 2016**

**Pratap Singh Chauhan**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>05.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A.No. 1458 of 2016</u></b></p> <p>This is an application for condonation of delay in filing the O.A, which relates to the prayer having been made by the applicant for grant of disability pension. The respondents have filed objection to this application in the shape of M.A.No. 1960 of 2016.</p> <p>It has been argued by learned counsel for the applicant that the claim of pension is a recurring cause of action, as held by the Hon'ble Supreme Court and various Hon'ble High Courts in so many cases; therefore, the delay in filing the O.A be condoned. It also comes out that this O.A was admitted on 22.02.2016; as such, in the facts and circumstances of the present case, we reject the objection filed by the respondents vide M.A.No. 1960 of 2016 and allow the application (M.A.No. 1458 of 2016) condoning the delay in filing the O.A.</p> <p>Counter and rejoinder affidavits have already been exchanged.</p> <p>List this case for hearing on <b>03.10.2016</b>.</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. 283 of 2015**

**Munna Lal**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>05.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Lal Chand Sahu, 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>By means of the present O.A, the applicant has prayed for setting aside the order dated 10.08.2015 (Annexure-1), which was passed by OIC Records in the appeal preferred by the applicant, observing that his disability was assessed by Review Medical Board on 20.12.2004 as less than 20%, as such he is not entitled for disability pension. The applicant has further prayed that the respondents be directed to carry out his Review Medical Board in M.H.Delhi or any Military Hospital other than M.H.Bareilly.</p> <p>While going through the record and after hearing the learned counsel for the parties, we find that the prayers so made by the applicant cannot be granted, since this Court, in its judgment and order dated 21.10.2013 passed in T.A. No.1142 of 2010, had taken into consideration the findings of Review Medical Board carried out at Military Hospital, Bareilly on 20.12.2004 and had granted disability pension to the applicant at the rate of 20% from 24.02.1979 to 31.12.2002 only. The applicant cannot agitate the same point once again claiming further relief in the backdrop of the order dated 10.08.2015 passed by OIC Record.</p> <p>Thus, this O.A being misconceived is hereby dismissed.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 5 of 2015**

**Smt Ram Devi**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>05.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></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>Shri Shailendra Kumar Singh, learned counsel for the applicant states that the applicant has been granted family pension from 24.09.2012.</p> <p>Shri Amit Jaiswal, learned Standing Counsel appearing for the respondents prays that he be granted four weeks' time to verify the aforesaid fact. Time prayed for is granted.</p> <p>The respondents have filed their counter affidavit, but no rejoinder affidavit has been filed. The applicant may, if she so desires, file rejoinder affidavit by the next date fixed.</p> <p>List this case for hearing on <b>02.11.2016</b>.</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**

**DY. No. 2336 of 2016 Inre O.A. No. Nil of 2016**

**Smt. Sadhana Sharma**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri A.N. Tripathi on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p>Heard learned counsel for the applicant on this application. Since the applicant is resident of Madhya Pradesh and by means of this application she has claimed Special Family Pension but the question is whether this original application is maintainable at AFT, Lucknow or before Armed Forces Tribunal at Jabalpur?.</p> <p>In the prayer clause, the applicant is not aggrieved by any order passed at Lucknow, as such this Original Application cannot be entertained at AFT, Lucknow. Learned counsel for the respondents submits that since the matter pertains to grant of Special Family Pension by Army Medical Corps Records, Lucknow and CDA (Pension), Allahabad but neither these orders of these offices have been annexed nor have been challenged.</p> <p>Learned counsel for the applicant submits that he intends to bring on record the letter passed by Army Medical Corps Records, Lucknow and CDA (P), Allahabad, by means of an affidavit and prays that three weeks' time be granted to him to file the same.</p> <p>Time prayed for is granted.</p> <p>List this case for orders on <b>18.10.2016</b> 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. 1946 of 2016 Inre O.A. No. Nil of 2016**

**Harbans Singh Through Manmeet 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><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Arun Kumar Sahu on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : The applicant, Manmeet Singh, in person and Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p>This is an application for condonation of delay in filing the Original Application which relates to prayer having been made for grant of disability pension to his father Harbans Singh who was invalided out from service on medical ground after serving in the Navy for 05 years, 05 months and 26 days. It is pleaded that since Shri Harbans Singh is mentally retorted for which he was invalided out of service, he is unable to appear in person before this court, as such, his son Shri Manmeet Singh has moved this application for condonation of delay in filing the Original Application.</p> <p>It has been prayed that the disability pension be provided to the applicant from date of invaliding out from service i.e. 30.09.1965. As per office report, there is delay of 50 years and 05 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 31.08.2016.</p> <p>Learned counsel for the respondents prays for and is granted a short time of two weeks to file objection, if any. Since the matter is old one and father of the applicant, namely Shri Harbans Singh, had retired in 1965 and is mentally retorted, we caution respondents to file the objection within two weeks.</p> <p>List this case for orders on <b>29.09.2016</b> before court concerned having jurisdiction as per roster of that day.</p>

(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. 1948 of 2016 Inre O.A. No. Nil of 2016**

**Sohan Singh Kaushal**  
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><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></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 learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Satnam, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><b><u>M.A. No. 1948 of 2016</u></b></p> <p>This is an application for condonation of delay in filing the Original Application by means of which prayer has been made that the applicant be granted disability pension by rounding of @ 50% which admittedly was ordered to be given @ 20% .</p> <p>As per office report, there is delay of 15 years, 01 month and 21 days in filing the original application. Copy of this application has been served upon learned counsel for the respondents on 24.08.1016.</p> <p>Learned counsel for the respondents prays for and is granted three weeks' time to file objection on the application for condonation of delay, if any.</p> <p>List this case for orders on <b>17.10.2016</b> 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. 222 of 2016**

**Santosh Kumar**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Namit Sharma on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this Original Application which has been moved by the applicant being aggrieved with the rejection of his representation vide letter dated 19.07.2016 contained in Annexure A-1. The matter pertains to revision of pension of the applicant of Hony Capt for the period from 01.02.2008 (date of retirement) to 23.09.2012 which as per learned counsel for the applicant should be granted taking into consideration the policy letters of 6<sup>th</sup> Pay Commission. Copy of this application has been served upon learned counsel for the respondents on 30.08.2016 who prays for and is granted four weeks time to file objection, if any.</p> <p>List this case for orders on <b>07.10.2016</b> 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. 1929 of 2016 with M.A. No. 1930 of 2016 Inre O.A. No. 69 of 2014**  
**Union of India & Others** Applicants  
By Legal Practitioner for Applicants

Versus

**Adi Shanker Mishra** Respondent  
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Sidharth Dhaon, learned counsel for the applicants and Shri Shailendra Kumar Singh, learned counsel for the respondent.</p> <p><b><u>M.A. No. 1929 of 2016</u></b></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 11.02.2016, passed by this Court in O.A. No. 69 of 2014.</p> <p>As per stamp reporter's report, there is delay of 05 months and 17 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 <b>shall</b> 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 <b>Office of the Chief Post Master General and others vs Living Media India Ltd and another</b> reported in <b>2012 STPL (LE) 46200 SC</b> in which the Hon'ble Supreme Court has observed as under:</p> <p><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p>

The Hon'ble Supreme Court further observed as under :

*“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation .....They 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 1930 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. 1941 of 2016 Inre O.A. No. 125 of 2015**

**Union of India & Others**

Applicants

By Legal Practitioner for Applicants

Versus

**Smt. Manoj Singh**

Respondent

By Legal Practitioner for Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Ms. Appoli Srivastava, learned counsel for the applicants and none for the respondents.</p> <p><b><u>M.A. No. 1941 of 2016</u></b></p> <p>Heard learned counsel for the applicants on this application which has been filed for leave to appeal under section 31(2) of the Armed Forces Tribunal Act 2007 with the prayer that she be granted permission for approaching Ho'nble Apex Court against the judgment and order dated 02.08.2016, passed by this Court in O.A. No. 125 of 2015. While allowing the aforesaid Original Application respondents were directed to pay Special Family Pension to the applicant by setting aside impugned order dated 29.10.2010 by means of which grant of Special Family Pension was refused to the widow of army person.</p> <p>We have heard learned counsel for the applicants and gone through the judgment and order.</p> <p>We do not find any point of law or general public importance involved in this case so as to grant permission for leave to appeal to approach Hon'ble Supreme Court.</p> <p>Accordingly, M.A. No 1941 of 2016 is rejected.</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. 1944 of 2016 with M.A. No. 1945 of 2016 Inre O.A. No. 276 of 2014**  
**Union of India & Others** Applicants  
By Legal Practitioner for Applicants

Versus

**Kunwar Pal Singh** Respondent  
By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Bhanu Pratap Singh, learned counsel for the applicants and none for the respondent.</p> <p><b><u>M.A. No. 1944 of 2016</u></b></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 14.10.2015, passed by this Court in O.A. No. 276 of 2014.</p> <p>As per stamp reporter's report, there is delay of 09 months and 16 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 <b>shall</b> 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 <b>Office of the Chief Post Master General and others vs Living Media India Ltd and another</b> reported in <b>2012 STPL (LE) 46200 SC</b> 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>

*“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation .....They 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 1945 of 2016**

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

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

(Lt Gen Gyan Bhushan)  
Member (A)

(Justice Abdul Mateen)  
Member (J)

ukt

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 1951 of 2016 with M.A. No. 1952 of 2016 Inre O.A. No. 33 of 2014**

**Union of India & Others**

Applicants

By Legal Practitioner for Applicants

Versus

**Greesh Kumar**

Respondent

By Legal Practitioner for Respondent

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Namit Sharma, learned counsel for the applicants and none for the respondents.</p> <p><b><u>M.A. No. 1951 of 2016</u></b></p> <p>This is an application for condonation of delay in moving the application under section 31(2) of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 12.01.2016, passed by this Court in O.A. No. 33 of 2014.</p> <p>As per stamp reporter's report, there is delay of 05 months and 24 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 <b>shall</b> 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 <b>Office of the Chief Post Master General and others vs Living Media India Ltd and another</b> reported in <b>2012 STPL (LE) 46200 SC</b> 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>



*“Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation .....They 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 1952 of 2016**

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

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

(Lt Gen Gyan Bhushan)  
Member (A)

(Justice Abdul Mateen)  
Member (J)

ukt

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**O.A. No. 184 of 2016 with M.A. No. 1950 of 2016**

**Meraj Ahmed Khan**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Col A.K. Srivastava (Retd), learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents.</p> <p><b><u>M.A. No. 1950 of 2016</u></b></p> <p>Counter affidavit filed by learned counsel for the respondents is taken on record. M.A. aforesaid is disposed of accordingly.</p> <p>Learned counsel for the applicant states that he has received the copy of counter affidavit on 01.09.2016 for which he prays for and is granted two weeks' time to file rejoinder affidavit.</p> <p>List this case for orders on <b>19.10.2016</b> 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. 83 of 2016**

**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><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Virendra Singh on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : None for the applicant whereas Shri Virendra Singh, learned counsel for the respondents.</p> <p>The applicant has preferred the Writ Petition before High Court of Judicature at Allahabad which has been transferred to this Tribunal and has been registered as T.A. No. 83 of 2016. Notice was issued to the applicant that his case has been transferred to this Tribunal and he should appear before this Court in person or through his counsel.</p> <p>In pursuance of the notice, the applicant has sent an application dated 13.07.2016 which was received on 20.07.2016, wherein he has stated that his grievance, has already been resolved and he has been granted 20% disability pension for life. As such, he does not want to press this Petition.</p> <p>Accordingly T.A. No. 83 of 2016 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**

**EX.A. No. 57 of 2012 with M.A. No. 1907 of 2016 Inre O.A. No. 44 of 2012**  
**Rama Shankar Singh**  
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><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>On call of the case, Shri V.K. Pandey appears and states that this execution application has become infructuous as judgment and order dated 01.03.2012 passed in O.A. No 44 of 2012 by this court has been fully complied.</p> <p>Accordingly, Execution Application No 57 of 2012 is dismissed as infructuous.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

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

**Nand Lal Gupta**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Yash Pal Singh, 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 present Execution Application has been filed for non compliance of judgment and order dated 17.11.2015 passed in T.A. No. 1473 of 2010. While allowing the petition, three months time was granted to the respondents to grant disability pension but the said judgment was not executed hence this execution application has seen the light of the day. Today, learned counsel for the respondents states that requisite sanction has already been granted on 30.08.2016 by the authority concerned and PPO regarding grant of disability pension will be issued within four weeks. He prays for and is granted four weeks' and no more time for issuance of requisite PPO. Respondents are directed to ensure that the requisite PPO is issued before the aforesaid period.</p> <p>List this case for orders on <b>06.10.2016</b> 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. 111 of 2016 Inre T.A. No. 27 of 2012**

**Raj Nath 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
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**02.09.2016**

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

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

Present : Shri Shashwat Shukla, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents.

Heard learned counsel for the parties on this execution application which has been filed by the applicant for non implementation of judgment and order dated 29.10.2015 passed in T.A. No 27 of 2012 wherein this court while allowing the T.A. has directed the respondents to grant disability pension @ 100% for life and three months time was granted for implementation but since the same has not been implemented, the applicant has filed this execution application.

On 08.07.2016, four weeks' time was granted to the respondents to implement the said judgment and order and direction was given that in case, if the judgment and order is not complied with, by the date fixed, heavy cost will be imposed and also respondents be prepared to face contempt proceedings.

Today again it has been informed by learned counsel for the respondents that matter is in process but still the position remains the same and judgment and order has not been implemented.

Accordingly, Cost of Rs 15,000/- is imposed on the respondents for not implementing the judgment and order inspite of granting adequate time. The cost shall be deposited in the Registry of this court within 10 days and it will be given to the applicant.

Let notice be issued to DDGPS, Integrated Headquarters of MoD, (Army), New Delhi, to show cause as to why contempt proceedings under Section 19 of Armed Forces Tribunal Act 2007 not be initiated against him for non compliance of judgment and order within prescribed time and also why cost imposed, not be deducted from his salary. He should appear before this court in person on 26.10.2016 and show cause.

It is clarified that if the judgment is implemented by the date fixed, he need not to appear before this court. He will file an affidavit explaining the delay for not implementation of judgment and order.

List this case for orders on **26.10.2016** 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**

**EX-A. No. 128 of 2016**  
**(In Re: O.A. No. 210 of 2012)**

**Alam Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Shailendra 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>As prayed by Dr Shailendra Sharma Atal, learned Standing Counsel for the respondent, list this case for on <b>06.09.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>RS/</p>



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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 986 of 2013**

**Smt Meera Devi**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>On call of the case, Shri OP Kushwaha, Advocate holding brief of Shri Ashok Kumar, learned counsel for the applicant states that Shri Ashok Kumar Singh has not come to the Court today; as such he prays that the matter be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on <b>21.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 1338 of 2016 With M.A. No. 1795 of 2016**

**AK Pandey**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri VA Singh, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Objection to the application for condonation of delay in filing the O.A has been filed by learned Standing Counsel for the respondents.</p> <p>Learned counsel for the applicant prays for and is granted three weeks' time to file replication to the objection filed by the respondents.</p> <p>List this case for orders on <b>24.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 1923 of 2016 With M.A. No. 1924 of 2016**  
**(In Re: O.A. No. Nil of 2016)**

**Ram Sagar Singh & Others**  
By Legal Practitioner for Applicants

Applicants

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Parijaat Belaura, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A.No. 1924 of 2016</u></b></p> <p>This is an application for condonation of delay in filing the O.A, which as per office report, is delayed by 06 years, 8 months and 18 days.</p> <p>Copy of this application has been served upon the learned Standing Counsel for the respondents on 30.08.2016. Shri Virendra kumar Singh, learned Standing Counsel appearing for the respondents prays for and is granted three weeks' time to file objection.</p> <p>List this case orders on <b>30.09.2016</b> for 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**

**EX-A. No. 129 of 2016**  
**(In Re: T.A. No. 39 of 2013)**

**Chandan Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	OrdeLN of the Tribunal
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Namit Sharma, learned Standing Counsel appearing for the respondents, on the basis of instructions received, states that the matter is pending consideration before AGPS-4 Legal for sanction and the judgment under execution will be implemented within a period of four weeks. As prayed, he is granted four weeks and no more time for implementation of the judgment under execution.</p> <p>List this case for orders on <b>02.11.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

**Court No. 1**

**Smt Anita Kumari**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	OrdeLN of the Tribunal
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>The applicant is knocking the door of this Court for implementation of the judgment and order dated 18.09.2015 passed in T.A.No. 44 of 2013, by means of which claim for grant of disability pension and its rounding off of her late husband was allowed and the respondents were directed to implement the judgment under execution within three months from the date of receipt of a certified copy of the said order, which has not been given effect to so far.</p> <p>Shri Ashish Kumar Singh, learned Standing Counsel appearing for the respondents states that the matter is under process and is pending before AGPS-4 Legal.</p> <p>Let notice be issued to AGPS-4 Legal to show cause by means of an affidavit as to why the aforesaid judgment of this Court has not been implemented within the specified time. The affidavit shall be filed within three weeks from today.</p> <p>List this case for orders on <b>02.11.2016</b>.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 131 of 2016**  
**(In Re: O.A. No. 69 of 2014)**

**Adi Shankar Mishra**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	OrdeLN of the Tribunal
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Shiddharth Dhaon, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Siddharth Dhaon, learned Standing Counsel appearing for the respondents, on the basis of instructions received, states that the matter is in process and the judgment under execution will be implemented within a period of four weeks. As prayed, he is granted four weeks and no more time for implementation of the judgment under execution.</p> <p>List this case for orders on <b>11.11.2016</b>. The respondents shall file an affidavit of compliance on the said date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 134 of 2016 With M.A. No. 1747 & 1934 of 2016**  
**(In Re: O.A. No. 73 of 2013)**

**Badri Nath Shukla**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	OrdeLN of the Tribunal
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri V.K.Pandey, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri D.K.Pandey, learned Standing Counsel appearing for the respondents informs that the amount of Rs.25,000/- imposed as costs on the respondents has been deposited in the Registry of this Court, which shall be withdrawn by the applicant. So far as the matter with respect to execution of the judgment and order dated 23.07.2014 passed by this Court in O.A.No. 73 of 2013 is concerned, Shri D.K.Pandey states that necessary PPO has been issued, copy of which has also been given to Shri V.K.Pandey, learned counsel for the applicant.</p> <p>Learned counsel for the applicant prays for and is granted four weeks' time to obtain instructions from his client as to whether after issuance of the PPO, necessary amount has been credited in his account or not.</p> <p>List this case for orders on <b>08.11.2016.</b></p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 1208 of 2016 With M.A. No. 1888 of 2016**

**Sohan Lal**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	OrderLN of the Tribunal
	<p><b><u>02.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A.No. 1208 of 2016</u></b></p> <p>This is an application for condonation of delay in filing the O.A, which relates to claim having been made by the applicant for grant of disability pension. Objection to this application has been filed by the respondents vide M.A.No. 1689 of 2016 and replication to the said objection has been filed by the applicant vide M.A.No. 1888 of 2016.</p> <p>As per office report, there is a delay of 04 years, 05 months and 25 days in filing the O.A. It has been argued by learned counsel for the applicant that the claim of pension is a recurring cause of action, as held by the Hon'ble Supreme Court and various Hon'ble High Courts in so many cases; therefore, the delay in filing the O.A be condoned. Nonetheless the applicant has to explain the delay and if the reasons for delay are genuine, that has to be condoned. We have gone through the affidavit filed in support of the application for condonation of delay. The reasons for delay given therein seem to be genuine. In the facts and circumstances of the present case, therefore, we reject the objection filed by the respondents vide M.A.No. 1689 of 2016 and allow the application the application (M.A.No. 1208 of 2016) condoning the delay in filing the O.A.</p> <p>Let the case be registered as O.A.</p> <p>The respondents are granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case for admission on <b>11.11.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 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	OrdeLN of the Tribunal
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Mohit Tiwari, learned counsel for the applicant, Shri Vinay Shankar, learned counsel for respondent No. 4 and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Vinay Shankar, learned counsel for respondent No. 4 submits that emoluments as per revised PPO are being paid to the applicant, but he could not file the affidavit explaining as to why and under what circumstances deduction of Rs. 1285/- from the applicant's pension was being made by respondent No. 4. He prays for and is granted a week's further time for the purpose.</p> <p>List this case for orders on <b>08.11.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 267 of 2013**

**Kitab Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	OrdeLN of the Tribunal
	<p><b><u>02.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri KK Mishra, learned counsel for the applicant, Shri Raj Kumar Singh, learned counsel for respondent No. 2 and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Raj Kumar Singh, learned counsel for respondent No. 2 prays for and is granted three weeks' further time to file objection, since the issue in question involved in the present case is as to whether the applicant, who had joined the service of GREF after service for about seven years in the Army and retired on 28.02.1983 after service in the GREF for about 23 years, is entitled for reckoning the past services rendered in the Army for the purposes of pensionary benefits.</p> <p>List this case for orders on <b>20.10.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

**M.A. No. 739 of 2016 With M.A. No. 1497 & 1939 of 2016**

**Ram Vishwas Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondent s

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Col AK Singh (Retd), learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priyank Malviya, Departmental representative.</p> <p><b><u>M.A.No. 739 of 2016</u></b></p> <p>This is an application for condonation of delay in filing the O.A, which, as per office report, is delayed by 01 year, 02 months and 15 days. Objection to this application has been filed by the respondents vide M.A.No. 1497 of 2016 and replication to the said objection has been filed by the applicant vide M.A.No. 1939 of 2016.</p> <p>Heard learned counsel for the parties.</p> <p>Submission of learned counsel for the applicant is that since the matter relates to the prayer having been made for grant of disability pension and its rounding off, it is a recurring cause of action, as held by the Hon'ble Supreme Court and various Hon'ble High Courts in so many cases; therefore, the delay in filing the O.A be condoned. Having gone through the affidavit filed in support of this application, we find that the delay of 01 year, 02 months and 15 days in filing the O.A has sufficiently been explained. Accordingly, we reject the objection filed by the respondents vide M.A.No. 1497 of 2016 and allow the application the application (M.A.No. 739 of 2016) condoning the delay in filing the O.A.</p> <p>Let the case be registered as O.A. List it for admission on <b>21.10.2016</b>.</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

**M.A. No. 1294 of 2016 With M.A. No. 1856 of 2016**  
**(In Re: O.A. No. Nil of 2016)**

**Akhilesh Kumar**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Bhanu Pratap Singh, learned counsel for the respondents alongwith Lt Priyank Malviya, Departmental representative.</p> <p><b><u>M.A.No. 1294 of 2016</u></b></p> <p>Heard learned counsel for the parties on this application for condonation of delay in filing the O.A, which relates to claim having been made by the applicant for grant of disability pension. Objection to this application has been filed by the respondents vide M.A.No. 1856 of 2016.</p> <p>We have gone through the affidavit filed in support of the application and find that it is the third innings of the applicant before this Court. Firstly, he had filed an O.A, which was disposed of with a direction that his second appeal be decided by the respondents within a period of three months. After decision in his second appeal, he preferred another O.A, which was decided vide order dated 9.12.2015, wherein liberty was granted to him to file a fresh O.A for claiming disability pension. Thus, the applicant, by means of the present O.A, has come up before this Court once again with the claim for grant of disability pension.</p> <p>As per office report, there is a delay of 02 years and 29 days in filing the O.A. The reasons for delay given therein seem to be genuine. In the facts and circumstances of the present case, therefore, we reject the objection filed by the respondents vide M.A.No. 1856 of 2016 and allow the application the application (M.A.No. 1294 of 2016) condoning the delay in filing the O.A.</p> <p>Let the case be registered as O.A. List it for admission on <b>04.10.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 37 of 2016**

**Shree Pal**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.09.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Abhishek Singh, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priyank Malviya, Departmental representative.</p> <p>On call of the case, Shri Namit Sharma, learned Standing Counsel appearing for the respondents, states that he has not received any instructions as yet with respect to the outcome of first appeal preferred by the applicant. He prays for some more time to obtain necessary instructions. Accordingly, we grant two weeks and no more time to learned Standing Counsel for the respondents to obtain necessary instructions and bring them on record by means of an affidavit, with a caution that if no affidavit, as directed, is filed, the respondents shall be ready to bear heavy costs.</p> <p>List this case for orders on <b>25.10.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 297 of 2011**

**Kedar Prasad Mishra**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondent s

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Rakesh Johri, learned counsel for the applicant and Shri AN Tripathi, learned counsel for the respondents alongwith Lt Priyank Malviya, Departmental representative.</p> <p>Heard Shri Rakesh Johri, learned counsel for the applicant and Shri AN Tripathi, learned Standing Counsel appearing for the respondents, duly assisted by Lt Priyank Malviya, Departmental representative.</p> <p>On 26.07.2016, this Court had issued a direction to the respondents to file a detailed reply to the submission made by learned counsel for the applicant that the applicant, who is from civil department on deputation with Army Postal Service and had served in the Army for 37 years, is entitled for Military Service Pay (MSP) as is being paid to Army personnel of Army Postal Service. The respondents were further directed to indicate in their reply as to whether 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. No reply, as directed by this Court, has been filed by the respondents; rather learned Standing Counsel appearing for the respondents states that even instructions have not been received. He prays for two weeks' further time to obtain instructions.</p> <p>Let notice be issued to Additional Director General of Army Postal Service, Integrated HQs of Ministry of Defence, West Block III, R.K.Puram, New Delhi-110066 informing him about the non-compliance of the aforesaid order, with a direction that a detailed reply in the shape of affidavit, as directed by this Court vide order dated 26.07.2016 be filed within two weeks from today. He is cautioned that if no reply, as directed, is filed within the time specified, he shall be ready to bear heavy costs.</p> <p>List this case for hearing on <b>28.09.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 1923 of 2016 with M.A. No. 1924 of 2016 Inre O.A. No. Nil of 2016**

**Ram Sagar Singh & Others**

Applicants

By Legal Practitioner for Applicants

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Virendra Singh on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicants and Shri Virendra Singh, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the applicant, list this case for orders on <b>02.09.2016</b> 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. 174 of 2016 Inre O.A. No. 136 of 2013**

**Mahesh Chandra**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Mrs. Deepti Prasad Bajpai on behalf of respondents is taken on record. Let her name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Vinay Pandey, holding brief of Shri P.K. Shukla, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>On call of the case, Shri Vinay Pandey appears and states that Shri P.K. Shukla is busy in Court No. 2 as such the case be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on <b>28.09.2016</b> 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. 175 of 2016 Inre O.A. No. 167 of 2013**

**Ravinder Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Mrs. Amrita Chakraborty on behalf of respondents is taken on record. Let her name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Vinay Pandey, holding brief of Shri P.K. Shukla, learned counsel for the applicant and Mrs. Amrita Chakraborty, learned counsel for the respondents.</p> <p>On call of the case, Shri Vinay Pandey appears and states that Shri P.K. Shukla is busy in Court No. 2 as such the case be adjourned.</p> <p>Accordingly, the case is adjourned.</p> <p>List this case for orders on <b>28.09.2016</b> 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. 1927 of 2016 Inre O.A. No. 131 of 2013**

**Ram Niwas Singh Yadav**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : None for the applicant whereas Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Case called out. Neither the applicant nor his counsel is present nor there is any request to pass over the case. Although learned counsel for the respondents, on the basis of instructions, received from concerned authority, states that in pursuance to the judgment, necessary PPO has been issued on 13.06.2016. Copy of the PPO has been sent to the applicant.</p> <p>Let affidavit of compliance be filed, annexing photocopy of PPO, by learned counsel for the respondents within ten days.</p> <p>List this case for orders on <b>29.09.2016</b> 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. 1928 of 2016 Inre O.A. No. 189 of 2013**

**Ran Pal Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : None for the applicant whereas Shri Bhanu Pratap Singh, learned counsel for the respondents.</p> <p>Case called out. Neither the applicant nor his counsel is present nor there is any request to pass over the case. In the interest of justice, the case is adjourned.</p> <p>List this case for orders on <b>06.10.2016</b> 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. 183 of 2016**

**Smt. Bhagwan 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><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></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 question of admission of this Original Application which has been filed by the applicant with the prayer that the applicant is wife of late Sep Jagvir Singh who was invalided out of service on medical ground and ultimately died. Learned counsel for the applicant submits that applicant is entitled 40% disability pension for two years in view of the judgment of The Apex Court in the case of <b>Dharmvir Singh Vs. Union of India &amp; others</b> reported in (2013) 7 SCC 316.</p> <p>Arguments advanced by the learned counsel for the applicant seem to be genuine. Accordingly, we admit this O.A.</p> <p>Learned counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any may be filed by learned counsel for the applicant within two weeks', thereafter.</p> <p>List this case for orders on <b>11.11.2016</b> 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. 78 of 2016**

**Mrs. Savitri Bala 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><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Amit Sharma on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : None for the applicant whereas Shri Amit Sharma, learned counsel for the respondents.</p> <p>This case has come up by way of transfer from High Court of Judicature at Allahabad vide order dated 26.05.2016 and has been registered as T.A. No. 78 of 2016.</p> <p>As per office report, notice issued to the applicant at the address given has been received back unserved.</p> <p>Let a fresh notice be issued to the applicant informing her that her case has been transferred to this Tribunal and next date of hearing has been fixed on 15.11.2016 for which she may engage a counsel or she may appear in person.</p> <p>List this case for orders on <b>15.11.2016</b> 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. 79 of 2016**

**Suresh Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Anurag Mishra, on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri Yash Pal Singh, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents.</p> <p>On call of the case, a person appeared in civil dress claiming himself as Arun Kumar son of the applicant, late Suresh Singh, who has been identified by Shri Yash Pal Singh , Advocate. Shri Arun Kumar states that his father had died in the year 2007.</p> <p>There is no substitution application on record. This case has come up by way of transfer from High Court of Judicature at Allahabad vide order dated 26.05.2016 and has been registered as T.A. No. 79 of 2016.</p> <p>In view of the death of sole applicant, this case abates.</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. 81 of 2016**

**Kawal Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Namit Sharma, on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : None for the applicant whereas Shri Namit Sharma, learned counsel for the respondents.</p> <p>This case has come up by way of transfer from High Court of Judicature at Allahabad vide order dated 26.05.2016 and has been registered as T.A. No. 81 of 2016.</p> <p>As per office report, notice issued to the applicant has not been received back served or un-served.</p> <p>Let service report of notice be awaited.</p> <p>List this case for orders on <b>15.11.2016</b> 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. 112 of 2013 Inre O.A. No. 355 of 2012**

**Ajbir Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></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, Shri R. Chandra states that whole controversy of the case is to the effect that the applicant retired from service and has been granted rank of Hony Nb Subedar and has been issued PPO only to the tune of 7050/- whereas other Hony Nb Subedars have been issued PPO for Rs. 7750/-.</p> <p>On 26.05.2016, we had directed to Col Kamal Singh, Departmental Representative for the respondents to file affidavit to show how much pension was earlier being paid to the applicant and how much is to be paid to him after its revision.</p> <p>It is sad part of affair on the part of respondents that the order passed by this court has not been complied with.</p> <p>Learned counsel for the respondents is further directed to file affidavit to the effect that why the applicant is not being paid pension of Hony Nb Subedar as similar to other Hony Naib Subedars.</p> <p>List this case for orders on <b>14.10.2016</b> 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. 26 of 2016 Inre O.A. No. 20 of 2012**

**Ram Shankar 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><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri R. Chandra, learned counsel for the applicant and Shri R.C. Shukla, learned counsel for the respondents.</p> <p>Compliance report filed by learned counsel for the respondents is taken on record.</p> <p>On call of the case, learned counsel for the applicant states that present Execution Application No. 26 of 2016 which has been filed for non compliance of judgment and order dated 05.03.2012 passed in O.A. No. 20 of 2012, has already been executed and PPO has been issued.</p> <p>Accordingly, this Execution Application has rendered infructuous and is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX.A. No. 134 of 2016 with M.A. No. 1746 of 2016 & M.A. No. 1934 of 2016 Inre  
O.A. No. 73 of 2013**

**Badri Nath Shukla**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Vinay Pandey, learned counsel for the applicant and Shri D.K. Pandey, learned counsel for the respondents.</p> <p>As prayed by learned counsel for the respondents, list this case for orders on <b>02.09.2016</b> 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. 1937 of 2015**

**Gopal Chandra 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><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : None for the applicant whereas Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>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>Accordingly, M.A. No. 1937 of 2015 is dismissed for non prosecution.</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. 499 of 2016 with M.A. No. 1773 of 2016**

**Sanjay Prakash Agnihotri**

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><b><u>01.09.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri J.N. Mishra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p><b><u>M.A. No. 1773 of 2016</u></b></p> <p>Objection on application for condonation of delay, filed by learned counsel for the respondents is taken on record. Copy of objection has been served upon learned counsel for the applicant in the court, today itself.</p> <p>Learned counsel for the applicant prays for and is granted two weeks' time to file replication for the same.</p> <p>List this case for orders on <b>14.10.2016</b> 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. 215 of 2013**

**Smt. Pooja Devi**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>O.A. No. 215 of 2013, Smt. Pooja Devi vs. Union of India and others is allowed.</p> <p>For order see our judgment passed on separate sheets.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>DDS</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 1900 of 2016 Inre O.A. No. Nil of 2016**

**Bhaiya Lal**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Ashok Kumar, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative, for the respondents.</p> <p><b><u>M.A. No. 1900 of 2016</u></b></p> <p>This is an application for condonation of delay in filing Original Application. As per office report, there is delay of 15 years, 03 months and 21 days in filing the Original Application. Copy of this application has been served upon learned counsel for the respondents on 26.08.2016.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to file objection on application for condonation of delay.</p> <p>List this case for orders on <b>24.10.2016</b> 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**

**DY. No. 2283 of 2016 with DY. NO. 2216 of 2014**

**Bhupinder Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Shyam Singh on behalf of respondents is taken on record. His name may be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : Shri V.P. Pandey, holding brief of Maj (Retd) R.D. Singh, learned counsel for the applicant and Shri Shyam Singh, learned counsel for the respondents.</p> <p>On call of the case, Shri V.P. Pandey appears and states that Maj (Retd) R.D. Singh is not well and 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 <b>25.10.2016</b> 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. 1884 of 2014**

**Smt. Mithilesh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri S.S.L. Srivastava, learned counsel for the applicant and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties.</p> <p>This application has been filed by the applicant for condonation of delay in filing Original Application wherein the applicant has prayed that since the husband of the applicant is missing since 03.09.1985, the dues due towards husband of the applicant be paid and she be paid family pension in accordance with rules.</p> <p>It has been argued by learned counsel for the applicant that since the stand has been taken by the respondents that husband of the applicant has not returned to duty on expiry of leave and he has become a deserter, as such, he wants to challenge the order of the desertion. He prays for and is granted three weeks' time to move amendment application.</p> <p>List this case for orders on <b>13.10.2016</b> 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. 1895 of 2016 Inre M.A. No. 1708 of 2014**

**Shyam Sundar 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><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Ashok Kumar, learned counsel for the applicant and Lt Priya Prasad, Departmental Representative, for the respondents.</p> <p><b><u>M.A. No. 1895 of 2016</u></b></p> <p>Heard learned counsel for the applicant on this application by means of which he has prayed for recall of order dated 16.08.2016 by which M.A. No. 1718 of 2016 was dismissed for non prosecution.</p> <p>As it comes out from the pleadings that earlier i.e. on 18.07.2016, M.A. No. 1708 of 2016 was dismissed for non prosecution for which application for recall of order was moved vide M.A. No. 1718 of 2016 which was alternatively dismissed on 16.08.2016 for non prosecution.</p> <p>The reasons given in affidavit for recall of order seem to be genuine.</p> <p>Accordingly, order dated 16.08.2016 is recalled subject to payment of Rs. 500/- as cost, to be deposited in Bar Association Library of Armed Forces Tribunal within ten days.</p> <p>If the same is deposited, M.A. No. 1718 of 2016 shall be restored on its original number.</p> <p>List this case for orders on <b>03.10.2016</b> 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. 1915 of 2016 Inre O.A. No. 213 of 2015**

**Jagat Singh**

Applicant

By Legal Practitioner for Applicant

Versus

**Union of India & Others**

Respondents

By Legal Practitioner for Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Diwakar Singh, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents.</p> <p><b><u>M.A. No. 1915 of 2016</u></b></p> <p>This is an application for recall of order dated 18.07.2016 by means of which Original Application No. 213 of 2015 was dismissed for non prosecution.</p> <p>The reasons given in Para 6 of the affidavit filed in support of recall of order seem to be genuine.</p> <p>Accordingly, order dated 18.07.2016 is recalled and O.A. No. 213 of 2015 will be restored on its original number subject to payment of Rs. 500/- as cost to be deposited in Bar Association Library of Armed Forces Tribunal within ten days.</p> <p>If the same is deposited, O.A. No. 213 of 2015 shall be restored on its original number.</p> <p>List this case for orders on <b>04.10.2016</b> before court concerned having jurisdiction as per roster of that day, showing the name of Shri Arun Kumar Sahu, as learned counsel for the respondents.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**O.A. No. 185 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><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Col Y.R. Sharma (Retd), learned counsel for the applicants and Dr. Shailendra Sharma Atal, learned counsel for the respondents.</p> <p>Heard learned counsel for the parties on this Original Application which has been filed by the applicant praying therein for broad banding of disability pension from 40% to 50%. Since the matter pertains to grant of disability pension and the delay in filing the original application has been condoned, we find it fit case for adjudication.</p> <p>Admit.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to file counter affidavit. Rejoinder affidavit, if any may be filed by learned counsel for the applicant, thereafter.</p> <p>List this case for orders on <b>29.09.2016</b> 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. 72 of 2016**

**Deena Nath 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><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></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 learned counsel for the respondents when the case is listed next.</p> <p>Present : None for the applicant whereas Shri Adesh Kumar Gupta, learned counsel for the respondents.</p> <p>This case has come up by way of transfer from High Court of Judicature at Allahabad vide order dated 31.05.2016 and has been registered as T.A. No. 72 of 2016.</p> <p>As per office report, notice issued to the applicant has not been received back served or un-served.</p> <p>Let service report of notice be awaited.</p> <p>List this case for orders on <b>04.11.2016</b> 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. 74 of 2016**

**Smt. Kaushalya 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><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Memo of appearance filed by Shri Anurag Mishra, on behalf of respondents is taken on record. Let his name be shown as learned counsel for the respondents when the case is listed next.</p> <p>Present : None for the applicant whereas Shri Anurag Mishra, learned counsel for the respondents.</p> <p>This case has come up by way of transfer from High Court of Judicature at Allahabad vide order dated 26.05.2016 and has been registered as T.A. No. 74 of 2016.</p> <p>As per office report, notice issued to the applicant has not been received back served or un-served.</p> <p>Let service report of notice be awaited.</p> <p>List this case for orders on <b>07.11.2016</b> 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. 84 of 2013 with M.A. No. 1769 of 2016 Inre O.A. No. 195 of 2012**  
**Bir Nath 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><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri V.K. Pandey, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p><b><u>M.A. No. 1769 of 2016</u></b></p> <p>This is an application for taking compliance report on record, filed by the respondents annexing therein photocopy of the PPO which has been issued in pursuance of the judgment and order of this court dated 16.12.2014 passed in O.A. No. 195 of 2012. Learned counsel for the respondents submits that judgment under execution has been fully complied with.</p> <p>Submission of the learned counsel for the applicant is that since PPO has been issued, judgment has been complied with.</p> <p>Accordingly, Execution Application No. 84 of 2013 has rendered infructuous and is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX.A. No. 92 of 2013 with M.A. No. 1732 of 2016 Inre O.A. No. 333 of 2012**

**Ram Ashre Yadav**

Applicant

By Legal Practitioner for Applicant

Versus

**Controller of Def Account & Ors**

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri P.N. Chaturvedi and Shri K.K. Singh Bisht, learned counsel for the applicant and Shri A.N. Tripathi, learned counsel for the respondents.</p> <p>On call of the case, Shri P.N. Chaturvedi and Shri K.K. Singh Bisht appear and state that in compliance to judgment and order dated 24.08.2012 passed in O.A. No. 333 of 2012, PPO has been issued but the amount has not been credited in the account of the applicant. It has been further stated by learned counsel for the applicant that PPO was issued on 13.04.2016 but amount has not been credited in the account of the applicant.</p> <p>Since the PPO has been issued on 13.04.2016, learned counsel for the parties to check reasons for delay and give status report by the next date.</p> <p>List this case for orders on <b>15.09.2016</b> 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. 94 of 2013 with M.A. No. 32 of 2014 Inre O.A. No. 362 of 2012**  
**Om Prakash 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><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri R. Chandra, learned counsel for the applicant whereas Lt Priya Prasad, Departmental Representative, for the respondents.</p> <p>On call of the case, learned counsel for the applicant appears and states that the judgment and order passed by this court dated 07.09.2012 passed in O.A. No. 362 of 2012 has been executed and the order has been fully complied with.</p> <p>Accordingly, Execution Application No. 94 of 2013 has become infructuous and is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>



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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX.A. No. 110 of 2013 with M.A. No. 1638 of 2016 Inre O.A. No. 84 of 2012**  
**Kunwar 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><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri R. Chandra, learned counsel for the applicants and Mrs. Deepti Prasad Bajpai, learned counsel for the respondents.</p> <p>On call of the case, learned counsel for the applicant appears and states that the judgment and order of this court dated 21.03.2012 passed in O.A. No. 84 of 2012 has been executed and order has been fully complied with.</p> <p>Accordingly, Execution Application No. 110 of 2013 has become infructuous and is hereby dismissed.</p> <p>(Lt Gen Gyan Bhushan) Member (A)</p> <p>(Justice Abdul Mateen) Member (J)</p> <p>ukt</p>

Form No. 4

[See rule 11(1)]

**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX.A. No. 3 of 2014 with M.A. No. 1563 of 2016 Inre O.A. No. 08 of 2013**

**Jawahar 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><b><u>31.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present : Shri Parijaat Belaura, learned counsel for the applicant whereas Lt Priya Prasad, Departmental Representative, for the respondents.</p> <p>Heard learned counsel for the parties on this execution application which has been filed by the applicant for non execution of the judgment and order of this court dated 10.01.2013 passed in O.A. No. 08 of 2013.</p> <p>Although in pursuance of judgment and order, necessary PPO has been issued on 24.05.2016 which has been filed by the respondents vide M.A. No. 1563 of 2016.</p> <p>The contention of the learned counsel for the applicant is that, inspite of issuance of PPO long back i.e. on 24.05.2016 the amount has not been credited in the account No. 10813156586 of the applicant by State Bank of India, Bhagauti Katra, Azamgarh City Branch, Azamgarh. The matter seems to be lingering at the end of SBI, CPPC, 4 Kutchery Road, Allahabad.</p> <p>Accordingly, notice be issued to the Manager, State Bank of India, CPPC, 4 Kutchery Road, Allahabad, to look into the matter and credit the amount in the account of the applicant within ten days from the date of issuance of this order, failing which he shall appear in the court on 27.09.2016 to explain as to why the amount due to the applicant has not been credited in his account.</p> <p>List this case for orders on <b>27.09.2016</b> 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. 13 of 2014**  
**(In Re: O.A. No. 371 of 2011)**

**Krishan Mohan 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><b><u>31.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri VK Pandey, 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>It is unfortunate that despite the undertaking given by Col Kamal Singh on 26.05.2016 that he would provide a copy of PPO to learned counsel for the applicant within two days, the same was not provided to him. This conduct of Col Kamal Singh is highly deplorable. We direct him to be cautious in future while giving undertaking before the Court.</p> <p>Copy of PPO has been provided by Dr. Shailendra Sharma Atal, learned Standing Counsel for the respondents today to Sri V.K.Pandey, learned counsel for the applicant, who says that he intends to obtain instructions from his client as to whether in pursuance of the issuance of the PPO, the amount has been credited in the account of the applicant or not. He prays for and is allowed three weeks' time for the purpose.</p> <p>List this case for orders on <b>27.09.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 25 of 2015**  
**(In Re: O.A. No. 323 of 2012)**

**Devendra Pratap Narain**  
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><b><u>31.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>On call of the case, no one is present for the applicant.</p> <p>Shri V.K.Pandey, Advocate informs that Shri Virat Anand Singh, learned counsel for the applicant is out of station; as such he prays that the case be adjourned to some other date.</p> <p>The matter relates to execution of the judgment of this Court dated 22.08.2012 passed about pension of Honorary Naib Subedar. It comes from the order-sheet that the case was being adjourned on account of non-availability of Shri Virat Anand Singh for last so many dates. Today again, he is not available. In the circumstances, the Court proceeds to hear the matter with the assistance of learned Standing Counsel appearing for the respondents.</p> <p>Dr. Shailendra Sharma Atal, learned Standing Counsel for the respondents states that necessary PPO in pursuance of the judgment under execution has already been issued to the applicant on 20.05.2016, but he is not aware as to whether the amount of pension in pursuance of the PPO issued has been credited in the account of the applicant or not. He prays for and is allowed three weeks' time to verify the same.</p> <p>List this case for orders on <b>27.09.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 850 of 2016 With M.A. No. 1495 & 1905 of 2016**

**Darwan 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><b><u>31.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A.No. 850 of 2016</u></b></p> <p>Heard learned counsel for the parties.</p> <p>This is an application for condonation of delay in filing the O.A, which relates to the prayer having been made for a direction to the respondents to revise the pension of the applicant from the date of his discharge i.e. 01.12.2010 as per the direction of the Ministry of Defence (Department of Ex-Servicemen Welfare) Letter dated 12.06.2009 and make payment of arrears alongwith interest.</p> <p>As per office report, there is a delay of 04 years, 10 months and 02 days in filing the O.A. We have gone through the affidavit filed in support of the application. The reasons for delay given therein seem to be genuine. Moreover, the matters relating to pension are recurring cause of action; as such, we reject the objection filed by the respondents vide M.A.No. 1495 of 2016 and allow the application (M.A.No. 850 of 2016) condoning the delay in filing the O.A.</p> <p>Let the case be registered as O.A. List it for admission on <b>05.10.2016.</b></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. 213 of 2011 With M.A. No. 1458 of 2016**

**Pratap Singh Chauhan**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>31.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A. No. 1458 of 2016</u></b></p> <p>Heard Shri Ashok Kumar, learned counsel for the applicant on this application, which has been moved for condonation of delay in filing the O.A.</p> <p>As it comes out from the order-sheet, this O.A was admitted on 22.02.2016, but the delay in filing the O.A was not condoned. Even this Court, after hearing the learned counsel for respective parties, reserved the judgment on 30.03.2016, but at the time of dictation of judgment, it was found that delay in filing the O.A had not been condoned, as such we directed the matter to be listed again for orders on delay condonation application. Thus, this case has come up today for orders on application for condonation of delay.</p> <p>Accordingly, in the aforesaid circumstances, we allow this application at this stage and condone the delay in filing the O.A.</p> <p>List this case for hearing on <b>05.09.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 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><b><u>31.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>The matter pertains to the claim having been made by the applicant for grant of family pension as well as disability pension. It comes out from the pleadings of the parties that the applicant was born after retirement of his father late Ex-Hav Samant Singh, who, during his life time, had approached the concerned respondent for publication of Part-II order of his disabled son, but the same could not be finalised because of some observations and incomplete documentation. The documents in required format were provided by learned counsel for the applicant to learned Standing Counsel appearing for the respondents on 26.07.2016, on which date the Court directed the respondents to forward the said documents to Records Office and also directed the Records Office to complete necessary formalities and publish Part-II order followed by release of pension within four weeks.</p> <p>Dr. Shailendra Sharma Atal, learned Standing Counsel for the respondents states that he has no information with respect to further progress in the matter. He prays for and is allowed three weeks' time to apprise the Court of the outcome of the claims made by the applicant.</p> <p>List this case for hearing on <b>03.10.2016</b>. The respondents are directed to submit status report by the said date.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 78 of 2015**

**Surendra Dutt Nautiyal**  
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><b><u>31.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri KK Mishra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard Shri KK Mishra, learned counsel for the applicant and Dr. Shailendra Sharma Atal, learned Standing Counsel for the respondents on the question of admission of this O.A, which has been filed by the applicant with the prayer that letters dated 4.11.1997 and 24.1.2000 of Records Garhwal Rifles Lansdowne be quashed and the applicant be granted 20% disability pension to which he is entitled.</p> <p>The delay in filing the O.A already stands condoned vide order of this Court dated 30.5.2014.</p> <p>It has been argued by Shri K.K.Mishra, learned counsel for the applicant that matters relating to pension are recurring cause of action and since delay in filing the O.A has already been condoned, this petition may be admitted and be listed for hearing at an early date.</p> <p>We accordingly <b>admit</b> this O.A and direct that it may be listed for hearing on <b>15.09.2016</b>.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 306 of 2015**

**Santokh Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>31.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri SN Ojha, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents alongwith Sgt. Pradeep Kumar, Departmental representative.</p> <p>The identity of applicant Santokh Singh, who, according to the learned counsel for the applicant, is also known as Santosh Singh, has been questioned by the respondents. Dr. Shailendra Sharma Atal, learned Standing Counsel appearing for the respondents states that the documents relating to service of Ex-Corporal Savinder Singh, supposedly father of the applicant, have already been destroyed.</p> <p>Let notice be issued to Amarjeet Singh, son of late Ex-Corporal Savinder Singh, resident of Pure Mufti Gurudwara, village Pure Mufti, P.O. Manauri, District Allahabad, U.P through Chief Judicial Magistrate, Allahabad for his appearance before this Court on 06.10.2016</p> <p>List this case for orders on <b>06.10.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 82 of 2013 With M.A. No. 1545 of 2016**  
**(In Re: O.A. No. 344 of 2011)**

**Dafedar**

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><b><u>30.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri VK Pandey, learned counsel for the applicant and Shri Siddharth Dhaon, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A. No. 1545 of 2016</u></b></p> <p>This is an application filed by the respondents, praying for taking the compliance report on record. Copy of this application has been given to Shri V.K.Pandey, learned counsel for the applicant in Court today by Shri Siddharth Dhaon, learned Standing Counsel appearing for the respondents.</p> <p>Shri VK Pandey, learned counsel for the applicant says that he be granted some time to obtain instructions from his client as to whether payment in pursuance of the PPO issued has been made to him or not. As prayed, he is granted ten days' time for the purpose.</p> <p>List this case for orders on <b>14.09.2016</b>.</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**

**EX-A. No. 83 of 2013 With M.A. No. 1546 of 2016**  
**(In Re: O.A. No. 196 of 2012)**

**Jagdish 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><b><u>30.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri VK Pandey, learned counsel for the applicant and Shri Siddharth Dhaon, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A. No. 1546 of 2016</u></b></p> <p>This is an application filed by the respondents, praying for taking the compliance report on record. Copy of this application has been given to Shri V.K.Pandey, learned counsel for the applicant in Court today by Shri Siddharth Dhaon, learned Standing Counsel appearing for the respondents.</p> <p>Shri VK Pandey, learned counsel for the applicant says that he be granted some time to obtain instructions from his client as to whether payment in pursuance of the PPO issued has been made to him or not. As prayed, he is granted ten days' time for the purpose.</p> <p>List this case for orders on <b>14.09.2016</b>.</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**

**EX-A. No. 85 of 2016**  
**(In Re: 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

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.08.2016</u></b> <b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Shailendra 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>Dr. Shailendra Sharma Atal, learned Standing Counsel appearing for the respondents, on the basis of instructions received, states that compliance of the judgment and order dated 22.09.2015 passed in T.A.No. 1048 of 2010 is under process and is presently in the AAD Dte in Integrated HQ of MoD (Army) New Delhi.</p> <p>On 29.07.2016, we had granted time to the respondents with a direction to get the aforesaid judgment implemented within one month, failing which they should be ready to bear heavy costs and also to face contempt proceedings under Section 19 of the Armed Forces Tribunal Act, 2007. It is a sad part of affair that even till date, the judgment under execution has not been implemented. We, therefore, impose costs of Rs.20000/- on the respondents and issue notice to DDG in AAD Directorate in Integrated HQ of MoD (Army), New Delhi to appear before this Court on 21.09.2016 and show cause as to why proceedings of contempt be not initiated against him for non-compliance of the aforesaid judgment and why exemplary costs, to be deducted from his salary, be not imposed on him.</p> <p>It is clarified that if the aforesaid judgment is implemented by the date fixed, DDG in AAD Directorate in Integrated HQ of MoD (Army), New Delhi need not appear in person.</p> <p>List this case for orders on <b>21.09.2016</b>.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p>

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

**Court No. 1**

**M.A. No. 2389 of 2015 With M.A. No. 2390 of 2015**  
**(In Re: T.A. No. 1163 of 2010)**

**Ramdeo Singh Yadav**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>30.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p style="text-align: center;">Present: Shri SK Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p style="text-align: center;">Shri S.K.Singh, learned counsel for the applicant states that since his client did not contact him, he could not file a better affidavit in support of application for condonation of delay in filing the recall application, as directed by this Court vide order dated 25.05.2016. He prays for and is granted three weeks' further time for the purpose.</p> <p style="text-align: center;">List this case for orders on <b>13.10.2016</b>.</p> <p style="text-align: center;"> <b>(Lt Gen Gyan Bhushan)</b> Member (A)         <span style="float: right;"><b>(Justice Abdul Mateen)</b> Member (J)</span> </p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

**M.A. No. 848 of 2016 With M.A. No. 1513 & 1904 of 2016**

**Hukam 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><b><u>30.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A.No. 848 of 2016</u></b></p> <p>This is an application for condonation of delay in filing the O.A, which relates to claim having been made by the applicant for grant of pension. Objection to this application has been filed by the respondents vide M.A.No. 1513 of 2016 and replication to the said objection has been filed by the applicant vide M.A.No. 1904 of 2016.</p> <p>As per office report, there is a delay of 06 years, 04 months and 04 days in filing the O.A. It has been argued by learned counsel for the applicant that the claim of pension is a recurring cause of action, as held by the Hon'ble Supreme Court and various Hon'ble High Courts in so many cases; therefore, the delay in filing the O.A be condoned. Nonetheless the applicant has to explain the delay and if the reasons for delay are genuine, that has to be condoned. We have gone through the affidavit filed in support of the application for condonation of delay. The reasons for delay given therein seem to be genuine. In the facts and circumstances of the present case, therefore, we reject the objection filed by the respondents vide M.A.No. 1513 of 2016 and allow the application the application (M.A.No. 848 of 2016) condoning the delay in filing the O.A.</p> <p>Let the case be registered as O.A. List it for admission on <b>26.09.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 849 of 2016 With M.A. No. 1496 & 1903 of 2016**

**Prem Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondent s

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>30.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant and Shri Ashish Kumar Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A.No. 849 of 2016</u></b></p> <p>This is an application for condonation of delay in filing the O.A, which relates to claim having been made by the applicant for grant of pension. Objection to this application has been filed by the respondents vide M.A.No. 1496 of 2016 and replication to the said objection has been filed by the applicant vide M.A.No. 1903 of 2016.</p> <p>As per office report, there is a delay of 06 years, 04 months and 04 days in filing the O.A. It has been argued by learned counsel for the applicant that the claim of pension is a recurring cause of action, as held by the Hon'ble Supreme Court and various Hon'ble High Courts in so many cases; therefore, the delay in filing the O.A be condoned. Nonetheless the applicant has to explain the delay and if the reasons for delay are genuine, that has to be condoned. We have gone through the affidavit filed in support of the application for condonation of delay. The reasons for delay given therein seem to be genuine. In the facts and circumstances of the present case, therefore, we reject the objection filed by the respondents vide M.A.No. 1496 of 2016 and allow the application the application (M.A.No. 849 of 2016) condoning the delay in filing the O.A.</p> <p>Let the case be registered as O.A. List it for admission on <b>26.09.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 510 of 2016 With M.A. No. 1413 of 2016**

**Nagendra Singh Mamik**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Brig Anil Srivastava (Retd), learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A. No. 1413 of 2016</u></b></p> <p>Rejoinder affidavit filed by learned counsel for the applicant in reply to objection on delay condonation application is taken on record.</p> <p>List this case on <b>24.10.2016</b> for disposal of delay condonation application before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>RS/</p>



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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 847 of 2016 With M.A. No. 1514 of 2016**

**Thakur Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri KKS Bisht, learned counsel for the applicant and Shri Virendra Kumar Singh, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri KKS Bisht, learned counsel for the applicant, states that he will be filing replication to the objection filed by the respondents against the application for condonation of delay in filing the OA in the Registry during the course of the day.</p> <p>List this case for orders on <b>25.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 36 of 2012**

**Rajendra Prasad**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri DK Pandey, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>On call of the case, Shri DK Pandey, learned Standing Counsel for the respondents states that he has received a call on behalf of Shri V.K.Sharma, learned counsel for the applicant that due to some mishappening in the family, he is unable to attend the Court today and has prayed for adjournment of the case. Accordingly the case is adjourned.</p> <p>List this case for orders on <b>14.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 303 of 2015**

**Durgesh Kumar Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>29.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></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>On call of the case, Shri KKS Bisht, learned counsel for the applicant appeared. He states that the amendment application is ready and he will be filing the same the Registry during the course of the day after serving a copy thereof on the learned Standing Counsel for the respondents. If the amendment application is filed, list it for orders on <b>04.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>RS/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 47 of 2015**  
**(In Re: 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><b><u>29.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Parijaat Belaura, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Parijaat Belaura, learned counsel for the applicant states that in pursuance of the judgment of this Court, necessary PPO has been issued to the applicant and payment of the amount due has been made to him on 27.04.2016, but interest thereon has been paid only upto June, 2015. According to the applicant, interest from July 2015 to April 2016 has not been paid to him.</p> <p>Let notice be issued to the Branch Manager, State Bank of India, Badawe, Pithoragarh, Uttarakhand to file his reply within three weeks by means of an affidavit, explaining that if the amount, whatever was due to the applicant, was paid to him on 27.04.2016 and interest thereon has been paid upto June 2015, why interest from July 2015 to April 2016 has not been paid to the applicant.</p> <p>List this case for orders on <b>13.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 1461 of 2010 With M.A. No. 94 of 2012 & 2106 of 2015**

**Bhola 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><b><u>29.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Jai Narain Mishra, learned counsel for the applicant and Shri Mohd Zafar Khan, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>The matter pertains to grant of pension. Initially the applicant was appointed in the Indian Army, where he served for about 13 years and thereafter he joined CRPF and from there, he was sent on deputation to Bharat Petroleum Research and Development. The applicant claims that the pension, which was being provided to him by the Army, after joining the services in CRPF, was illegally withheld and certain amount was recovered from his pay and allowances being paid to him by CRPF.</p> <p>A detailed reply in the matter has been filed on behalf of the respondents by way of a supplementary counter affidavit sworn in by Lt Col K. Sandeep Kumar. Shri Jai Narain Mishra, learned counsel for the applicant prays for some time to rebut the averments made in the said supplementary counter affidavit. As prayed, he is granted six weeks' time for the purpose.</p> <p>List this case for orders on <b>04.11.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**M.A. No. 1390 of 2016**  
**(In Re: O.A. No. 146 of 2016)**

**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><b><u>29.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Dr Shailendra Sharma Atal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p><b><u>M.A.No. 1390 of 2016</u></b></p> <p>This is an application which relates to the prayer having been made on behalf of the applicant for early hearing of the case. On call of the case, no one is present for the applicant.</p> <p>The application was moved on 6.6.2016 and has come up for orders today. The order-sheet indicates that O.A.No. 146 of 2016 had already been dismissed for non-prosecution on 25.07.2016, as such no orders need be passed on this application, which stands rejected as infructuous.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN/</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 31 of 2013**  
**(In Re: O.A. No. 85 of 2012)**

**Bhagwan 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><b><u>26.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></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>Shri R.Chandra, learned counsel for the applicant states that necessary PPO has been issued to the applicant in compliance with the judgment under execution; as such this execution application has become infructuous.</p> <p>In view of above, Execution Application No. 31 of 2013 is dismissed as infructuous.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 38 of 2013 With M.A. No. 1515 of 2016**  
**(In Re: O.A. No. 320 of 2011)**

**Ram Saran 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><b><u>26.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Bachchan Singh, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Bachchan Singh, learned counsel for the applicant states that the judgment under execution has been complied with; as such this execution application has become infructuous.</p> <p>In view of above, Execution Application No. 38 of 2013 is dismissed as infructuous.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN</p>



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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 39 of 2013 With M.A. No 1470 of 2016**  
**(In Re: O.A. No. 116 of 2012)**

**Ran 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><b><u>26.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Bachchan Singh, learned counsel for the applicant and Shri Arun Kumar Sahu, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Bachchan Singh, learned counsel for the applicant states that the judgment under execution has been complied with; as such this execution application has become infructuous.</p> <p>In view of above, Execution Application No. 39 of 2013 is dismissed as infructuous.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 40 of 2013**  
**(In Re: O.A. No. 332 of 2012)**

**Ram Sajiwan 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><b><u>26.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri SB Tiwari, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri S.B.Singh, learned counsel for the applicant states that though the applicant has received PPO, but the particulars of disbursing authority as well as his account number with the bank shown in the said PPO are incorrect. He further states that the applicant is drawing his pension from Treasury at Sultanpur. The applicant is directed to bring the said facts on record by means of an affidavit within ten days.</p> <p>List this case for orders on <b>22.09.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 35 of 2015**  
**(In Re: T.A. No. 116 of 2011)**

**Laxmi Kant 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><b><u>26.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Shailendra Kumar Singh, learned counsel for the applicant and Shri Rajiv Pandey, learned counsel for the respondents alongwith WO Deshraj Singh, Departmental representative.</p> <p>Shri Shailendra Kumar Singh, learned counsel for the applicant states that the judgment under execution has been complied with; as such this execution application has become infructuous.</p> <p>In view of above, Execution Application No., 35 of 2015 is dismissed as infructuous.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN</p>

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

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Court No. 1**

**EX-A. No. 7 of 2016**  
**(In Re: O.A. No. 49 of 2012)**

**Ravinder Singh Chauhan**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>26.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Bachchan Singh, learned counsel for the applicant and Shri Amit Jaiswal, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Shri Amit Jaiswal, learned Standing Counsel appearing for the respondents, on the basis of instructions received, informs that necessary PPO bearing No. S/Corr/3065/2016 has been issued to the applicant, but copy of the same has not been brought on record. Shri Amit Jaiswal is directed to bring the aforesaid PPO on record within ten days.</p> <p>List this case for orders on <b>20.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 206 of 2015 With M.A. No. 1698 of 2016**

**Guman Singh**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>26.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Parijaat Belaura, learned counsel for the applicant and Shri Namit Sharma, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard Shri Parijaat Belaura, learned counsel for the applicant and Shri Namit Sharma, learned Standing Counsel appearing for the respondents.</p> <p>The claim made by the applicant is that for the services rendered by the applicant by way of second appointment in Territorial Army (Eco), he has not been provided pension, to which Shri Namit Sharma, learned Standing Counsel appearing for the respondents submits that since the second appointment of the applicant was in Territorial Army (Eco), as per terms of engagement he is not entitled to any pension.</p> <p>Learned counsel for the applicant is directed to bring on record the letter of appointment of the applicant in Territorial Army (Eco) within a month so as to know terms of engagement of the applicant. The respondents are also directed to bring on record the Policy governing personnel employed in TA (Eco) Battalion.</p> <p>List this case for orders on <b>05.10.2016</b> before the appropriate Court having jurisdiction as per roster of that date.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 149 of 2013**

**Smt Munni 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><b><u>26.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Ashok Kumar, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard Shri Ashok Kumar, learned counsel for the applicant and Shri D.K.Pandey, learned Standing Counsel appearing for the respondents on this O.A, which has been preferred by the applicant, claiming herself to be the wife of Ex Nk/TS Than Singh. She has prayed for grant of family pension and arrears of pension as well as AFPP Fund &amp; Credit Balance, which were due to be paid by the respondents to the said army personnel.</p> <p>From the prayer clause, it appears that though Ex Nk/TS Than Singh was declared a deserter, but he was not paid his dues. In the counter affidavit filed by the respondents, it has been clearly mentioned that since husband of the applicant was a deserter, the applicant is not entitled for grant of family pension.</p> <p>Shri Ashok Kumar, learned counsel for the applicant submits that since the husband of the applicant is missing and he had 16 years and 139 days of qualifying service to his credit, she is atleast entitled for family pension. He submits that he wants to advance arguments on the point and prays that the case be adjourned to some other date.</p> <p>List this case for further hearing on <b>17.10.2016</b>.</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. 146 of 2012 With M.A. No. 1383 of 2016**

**Om Prakash Tiwari**  
By Legal Practitioner for Applicant

Applicant

Versus

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

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></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>Heard Shri PN Chaturvedi, learned counsel for the applicant and Mrs Deepti P Bajpai, learned Standing Counsel for the respondents duly assisted by Lt Priya Prasad, Departmental representative, at some length.</p> <p>List this case for further hearing on <b>22.09.2016</b>. On the said date, details of annual medical examinations, giving details as to when the said disease was contacted, will be furnished from the original record and medical officer/doctor having expertise on the subject from Command Hospital, Lucknow shall also be present for assistance of the Court.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 135 of 2016 With M.A. No. 1661 & 1667 of 2016**

**Rajendra Pratap Singh**  
By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri AK Gupta, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Case called out. No one appears for the applicant.</p> <p>Shri R.P.Mishra, Chief Manager, Centralized Pension Payment Cell, Allahabad and Shri Dayanand Prasad, Branch Manager, State Bank of India, Handia Branch, Allahabad are present.</p> <p>The grievance raised by the applicant is with respect to non-payment of pension, to which the respondents state that pension including arrears has been paid to the applicant and they have filed an affidavit to this effect. On 05.08.2016, learned counsel for the applicant had taken time to file rejoinder affidavit but the same too has not been filed.</p> <p>Since the averment made by the respondents in their affidavit, to the effect that pension including arrears has been paid to the applicant, remains uncontroverted, this O.A loses its efficacy and is accordingly dismissed.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 46 of 2016 With M.A. No. 1599 of 2016**

**Smt Munni Devi**

By Legal Practitioner for Applicant

Applicant

Versus

**Union of India & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Veer Raghav Chaubey, learned counsel for the applicant and Mrs Deepti P Bajpai, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>Heard Shri Veer Raghav Chaubey, learned counsel for the applicant and Mrs Deepti P Bajpai, learned Standing Counsel appearing for the respondents duly assisted by Lt Priya Prasad, Departmental representative at some length.</p> <p>The original record with respect to medical treatment given to late Sep Shiv Kumar, husband of the applicant and the P.P.O issued to the applicant, is not available with the learned Standing Counsel for the respondents, we direct that this case may be listed for further hearing on <b>18.10.2016</b>. The respondents shall produce the aforesaid record for perusal of the Court on the said date.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></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. 686 of 2010**

**Jagdish Prasad**

By Legal Practitioner for Applicant

Applicant

Versus

**Chief of Army Staff & Others**

By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>25.08.2016</u></b></p> <p><b><u>Hon'ble Mr. Justice Abdul Mateen, Member (J)</u></b> <b><u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></b></p> <p>Present: Shri Rohit Kumar, learned counsel for the applicant and Shri D.K.Pandey, learned counsel for the respondents alongwith Lt Priya Prasad, Departmental representative.</p> <p>As directed vide order dated 14.07.2016, the concerned officer dealing with the case from PCDA (P) Allahabad is not present. Shri D.K.Pandey, learned Standing Counsel appearing for the respondents states that the said officer has been transferred and new incumbent has joined.</p> <p>As prayed by Shri D.K.Pandey, list this case for hearing on <b>30.08.2016</b>. The concerned officer dealing with the case from PCDA (P) Allahabad is directed to remain present on the said date to assist the Court.</p> <p style="text-align: center;"><b>(Lt Gen Gyan Bhushan)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(Justice Abdul Mateen)</b> <b>Member (J)</b></p> <p>LN</p>